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THE

CHARTER

Granted by their Majesties

King *WILLIAM*

AND

Queen *MARY*,

TO THE

INHABITANTS

OF THE

PROVINCE

OF THE

Massachusetts-Bay

IN

NEW-ENGLAND.

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Boston in New-England:

Printed and Sold by Samuel Kneeland and Timothy Green, by Order of His Excellency the GOVERNOUR, Council and House of Representatives. MDCCXLII.

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Thos. G. Cary
210,027,
Mar. 3, 1881

The CHARTER of the Province of the Massachusetts-Bay *in* New England.

WILLIAM and *MARY*, by the Grace of GOD, King and Queen of *England*, *Scotland*, *France* and *Ireland*, Defenders of the Faith, *&c.* To all to whom these Presents shall come, Greeting. Whereas His late Majesty King *James* the first, Our Royal Predecessor, by his Letters Patents under the Great Seal of *England*, bearing Date at *Westminster* the third Day of *November*, in the eighteenth Year of his Reign, did give and grant unto the Council established at *Plymouth* in the County of *Devon*, for the Planting, Ruling, Ordering and Governing of *New England* in *America*, and to their Successors and Assigns, all that Part of *America* lying and being in Breadth from forty Degrees of Northerly Latitude, from the Equinoctial Line to the forty eighth Degree of the said Northerly Latitude, inclusively, and in Length of and within all the Breadth aforesaid throughout all the Main Lands, from Sea to Sea, together also with all the firm Lands, Soils, Grounds, Havens, Ports, Rivers, Waters, Fishings, Mines and Minerals, as well Royal Mines of Gold and Silver, as other Mines and Minerals, Precious Stones, Quarries, and all and singular other Commodities, Jurisdictions, Royalties, Privileges, Franchises and Preheminences, both within the said Tract of Land, upon the Main, and also within the Islands and Seas adjoining: Provided always, that the said Lands, Islands, or any the Premises by the said Letters Patents intended or meant to be granted, were not then actually possessed or inhabited by any other Christian Prince or State, or within the Bounds, Limits or Territories of the Southern Colony, then before granted by the said late King *James* the first, by divers of his Subjects in the South Parts: To have and to hold, possess and enjoy, all and singular the aforesaid Continent Lands, Territories, Islands, Hereditaments, and Precincts, Seas, Waters, Fishings, with all and all manner of their Commodities, Royalties, Liberties, Preheminences and Profits that should from thenceforth arise from thence, with all and singular their Appurtenances, and every Part and Parcel thereof, unto the said Council, and their Successors and Assigns for ever, to the sole and proper Use and Benefit of the said Council, and their Successors and Assigns for ever: To be holden of his said late Majesty King *James* the first, his Heirs and Successors, as of his Mannor of East *Greenwich* in the County of *Kent*, in free and common Sockage, and not in *Capite*, or by Knights Service: Yielding and Paying therefore to the said late King, his Heirs and Successors, the fifth Part of the Oar of Gold and Silver, which should from Time to Time, and at all Times then after happen to be found, gotten, had and obtained, in, at, or within any of the said Lands, Limits, Territories or Precincts, or in, or within any Part or Parcel thereof, for or in Respect of all and all manner of Duties, Demands and Services whatsoever, to be done, made or paid to the said late King *James* the first, his Heirs and Successors (as in and by the said Letters Patents, amongst sundry other Clauses, Powers, Priviledges and Grants therein contained, more at large appeareth:) and whereas the said Council established at *Plymouth* in the County of *Devon*, for the Planting, Ruling, Ordering and Governing of *New England* in *America*, did by their Deed indented under their Common Seal, bearing Date the Nineteenth Day of *March*, in the third Year of the Reign of Our Royal Grand-Father King *Charles* the first, of ever blessed Memory, give, grant, bargain, sell, enfeoff, alien and confirm to Sir *Henry Rosewell*, Sir *John Young*, Knights, *Thomas Southcott*, *John Humphreys*, *John Endicott*, and *Simon Whetcombe*, their Heirs and Assigns, and their Associates for ever, all that Part of *New England* in *America* aforesaid, which lies and extends between a great River there, commonly called *Monomack*, alias *Merimack*, and a certain other River there called *Charles River*, being in a Bottom of a certain Bay there commonly called *Massachusetts*,

Recital That K. *James* I. granted to the Council at *Plymouth* in *Devon*.

All that Part of *America* from 40 to 48 Degrees Nor. Latitude.

To hold in Fee.

Paying the fifth Part of the Oar of Gold and Silver.

That the Council at *Plymouth* granted to Sir *Henry Rosewell* and others.

Part of *New England* by certain Bounds.

Maſſachuſetts, alias *Mattachuſetts*, alias *Maſſatuſetts-Bay*, and alſo all and ſingular thoſe Lands and Hereditaments whatſoever, lying within the ſpace of three *Engliſh* Miles on the South Part of the ſaid *Charles River*, or of any and every Part thereof; and alſo all and ſingular the Lands and Hereditaments whatſoever, lying and being within the ſpace of three *Engliſh* Miles to the Southward of the ſouthermoſt Part of the ſaid Bay called the *Maſſachuſetts*, alias *Mattachuſetts*, alias *Maſſatuſetts-Bay*; and alſo all thoſe Lands and Hereditaments whatſoever which lie and be within the ſpace of three *Engliſh* Miles to the Northward of the ſaid River called *Manomack* alias *Merimack*, or to the Northward of any and every Part thereof, and all Lands and Hereditaments whatſoever lying within the Limits aforeſaid North and South in Latitude, and in Breadth, and in Length, and Longitude, of and within all the Breadth aforeſaid throughout the Main Lands there, from the *Atlantick* and Weſtern Sea and Ocean on the Eaſt Part to the South Sea on the Weſt Part, and all Lands and Grounds, Place and Places, Soil, Woods and Wood-Grounds, Havens, Ports, Rivers, Waters, Fiſhings and Hereditaments whatſoever, lying within the ſaid Bounds and Limits, and every Part and Parcel thereof; and alſo all Iſlands lying in *America* aforeſaid, in the ſaid Seas, or either of them on the Weſtern or Eaſtern Coaſts or Parts of the ſaid Tracts of Land, by the ſaid Indenture mentioned to be given and granted, bargained, ſold, enfeoffed, alien'd and confirmed, or any of them; and alſo all Mines and Minerals, as well Royal Mines of Gold and Silver, as other Mines and Minerals whatſoever in the ſaid Lands and Premiſſes, or any Part thereof, and all Juriſdictions, Rights, Royalties, Liberties, Freedoms, Immunities, Priviledges, Franchiſes, Preheminences and Commodities whatſoever, which they the ſaid Council eſtabliſhed at *Plymouth* in the County of *Devon*, for the Planting, Ruling, Ordering and Governing of *New England* in *America*, then had, or might uſe, exerciſe or enjoy, in or within the ſaid Lands and Premiſes, by the ſame Indenture mentioned to be given, granted, bargained, ſold, enfeoffed and confirmed,

To hold in Fee.

in or within any Part or Parcel thereof: To have and to hold the ſaid Part of *New England* in *America*, which lies and extends, and is abutted as aforeſaid, and every Part and Parcel thereof; and all the ſaid Iſlands, Rivers, Ports, Havens, Waters, Fiſhings, Mines, Minerals, Juriſdictions, Franchiſes, Royalties, Liberties, Priviledges, Commodities, Hereditaments and Premiſes whatſoever, with the Appurtenances, unto the ſaid Sir *Henry Roſwell*, Sir *John Young*, *Thomas Southcott*, *John Humphreys*, *John Endicott*, and *Simon Whetcombe*, their Heirs and Aſſigns and their Aſſociates for ever, to the only proper and abſolute Uſe and Behoof of the ſaid Sir *Henry Roſwell*, Sir *Young*, *Thomas Southcott*, *John Humphreys*, *John Endicott*, and *Simon Whetcombe*, their Heirs and Aſſigns and their Aſſociates for evermore: To be holden of our ſaid Royal Grand-father father King *Charles* the Firſt, his Heirs and Succeſſors, as of his Mannor of *Eaſt Greenwich* in the County of *Kent*, in free and common Sockage, and not in *Capite*

paying &c.

nor by Nights Service, yielding and paying therefore unto Our ſaid Royal Grandfather, his Heirs and Succeſſors, the fifth Part of the Oar of Gold and Silver which ſhould from Time to Time, and at all Times hereafter happen to be found, gotten, had and obtained in any of the ſaid Lands within the ſaid Limits, or in or within any Part thereof, for and in Satisfaction of all Manner of Duties, Demands and Services whatſoever, to be done, made or paid to Our ſaid Royal Grandfather, his Heirs or Succeſſors (as in and by the ſaid recited Indenture may more at large appear. And *Whereas* Our ſaid Royal Grandfather in and by his Letters Patents under the Great Seal of *England*, bearing Date at *Weſtminſter* the fourth Day of *March*, in the fourth Year of his Reign, for the Conſideration therein mentioned, did grant and confirm unto the ſaid Sir *Henry Roſwell*, Sir *John Young*, *Thomas Southcott*, *John Humphreys*, *John Endicott*, and *Simon Whetcombe*, and to their Aſſociates after named, *viz.* Sir *Ralph Saltonſtall*, Knight, *Iſaac Johnſon*, *Samuel Alderſey*, *John Ven*, *Matthew Craddock*, *George Harwood*, *Increaſe Nowell*, *Richard Perry*, *Richard Bellingham*, *Nathanael Wright*, *Samuel Vaſſall*, *Theophilus Eaton*, *Thomas Goffe*, *Thomas Adams*, *John Brown*, *Samuel Brown*, *Thomas Hutchins*, *William Vaſſall*, *William Pincheon*, and *George Foxcroft*, their Heirs and Aſſigns, all the ſaid Part of *New England* in *America*, lying and extending between the Bounds and Limits in the ſaid Indenture expreſſed, and all Lands and Grounds, Place and Places, Soils, Woods and

That K. *James* I. by Letters Patents confirm'd to Sir *Henry Roſwell* and others,

all thoſe Lands before granted to them by the Council at *Plymouth*.

Wood

Wood Grounds, Havens, Ports, Rivers, Waters, Mines, Minerals, Jurisdictions, Rights, Royalties, Liberties, Freedoms, Immunities, Priviledges, Franchises, Preheminences and Hereditaments whatsoever; bargained, sold, enfeoffed and confirmed, or mentioned or intended to be given, granted, bargained, sold, enfeoffed, aliened and confirmed to them the said Sir *Henry Rosewell*, Sir *John Young*, *Thomas Southcott*, *John Humphreys*, *John Endicott*, and *Simon Whetcombe*, their Heirs and Assigns, and to their Associates for ever, by the said recited Indenture: To have and to hold the said Part of *New England* in *America*, and other the Premises thereby mentioned to be granted and confirmed, and every Part and Parcel thereof, with the Appurtenances, to the said Sir *Henry Rosewell*, Sir *John Young*, Sir *Richard Saltonstall*, *Thomas Southcott*, *John Humphreys*, *John Endicott*, *Simon Whetcombe*, *Isaac Johnson*, *Samuel Aldersey*, *John Ven*, *Matthew Craddock*, *George Harwood*, *Increase Nowell*, *Richard Perry*, *Richard Bellingham*, *Nathanael Wright*, *Samuel Vassal*, *Theophilus Eaton*, *Thomas Goffe*, *Thomas Adams*, *John Brown*, *Samuel Brown*, *Thomas Hutchins*, *William Vassall*, *William Pincheon*, and *George Foxcroft*, their Heirs and Assigns for ever, to their only proper and absolute Use and Behoof for evermore: To be holden of our said Royal Grandfather, his Heirs and Successors, as of his Mannor of *East Greenwich* aforesaid, in free and common Sockage, and not in *Capite* nor by Knights Service; and also yielding and paying therefore to Our said Royal Grandfather, his Heirs and Successors, the fifth Part only of all the Oar of Gold and Silver which from Time to Time and at all Times after should be there gotten, had or obtained, for all Services, Exactions and Demands whatsoever, according to the Tenor and Reservation in the said recited Indenture expressed. And further Our said Royal Grandfather by the said Letters Patents did give and grant unto the said Sir *Henry Rosewell*, Sir *John Young*, Sir *Richard Saltonstall*, *Thomas Southcott*, *John Humphreys*, *John Endicott*, *Simon Whetcombe*, *Isaac Johnson*, *Samuel Aldersey*, *John Ven*, *Matthew Craddock*, *George Harwood*, *Increase Nowell*, *Richard Perry*, *Richard Bellingham*, *Nathanael Wright*, *Samuel Vassall*, *Theophilus Eaton*, *Thomas Goffe*, *Thomas Adams*, *John Brown*, *Samuel Brown*, *Thomas Hutchins*, *William Vassall*, *William Pincheon*, and *George Foxcroft*, their Heirs and Assigns, all that Part of *New England* in *America*, which lies and extends between a great River called *Monomack*, alias *Merimack River*, and a certain other River there called *Charles River*, being in the bottom of a certain Bay there commonly called *Massachusetts*, alias *Mattachusetts*, alias *Massatusetts-Bay*; and also all and singular those Lands and Hereditaments whatsoever, lying within the space of three *English* Miles, on the South Part of the said River called *Charles River*, or of any or every Part thereof; and also all and singular the Lands and Hereditaments whatsoever, lying and being within the space of three *English* Miles to the Southward of the southermost Part of the said Bay called *Massachusetts*, alias *Mattachusetts*, alias *Massatusetts-Bay*; and also all those Lands and Hereditaments whatsoever, which lie and be within the space of three *English* Miles to the Northward of the said River called *Monomack* alias *Merimack*, or to the Northward of any and every Part thereof, and all Lands and Hereditaments whatsoever lying within the Limits aforesaid, North and South in Latitude, and Breadth, and in Length and Longitude, of and within all the breadth aforesaid throughout the Main Lands there, from the *Atlantick* or Western Sea and Ocean on the East Part, to the South Sea on the West Part; and all Lands and Grounds, Place and Places, Soils, Woods and Wood-Lands, Havens, Ports, Rivers, Waters and Hereditaments whatsoever, lying within the said Bounds and Limits, and every Part and Parcel thereof; and also all Islands in *America* aforesaid, in the said Seas, or either of them on the Western or Eastern Coasts or Parts of the said Tracts of Lands, thereby mentioned to be given and granted, or any of them; and all Mines and Minerals, as well Royal Mines of Gold and Silver as other Mines and Minerals whatsoever in the said Lands and Premises, or any Part thereof; and free Liberty of Fishing in or within any of the Rivers and Waters within the Bounds and Limits aforesaid, and the Seas thereunto adjoining; and of all Fishes, Royal Fishes, Whales, Balene, Sturgeon, and other Fishes of what Kind or Nature soever, that should at any Time thereafter be taken in or within the said Seas or Waters, or any of them, by the said Sir *Henry Rosewell*, Sir *John Young*, Sir *Richard Saltonstall*, *Thomas Southcott*, *John Humphreys*, *John Endicott*, *Simon Whetcombe*, *Isaac Johnson*, *Samuel Aldersey*, *John Ven*, *Matthew Craddock*, *George*

by certain Bounds and Descriptions.

George Harwood, *Increaſe Nowell*, *Richard Perry*, *Richard Bellingham*, *Nathanael Wright*, *Samuel Vaſſall*, *Theophilus Eaton*, *Thomas Goffe*, *Thomas Adams*, *John Brown*, *Samuel Brown*, *Thomas Hutchins*, *William Vaſſall*, *William Pincheon*, and *George Foxcroft*, their Heirs or Aſſigns, or by any other Perſon or Perſons whatſoever there inhabiting, by them or any of them to be appointed to fiſh therein. *Provided* always, that if the ſaid Lands, Iſlands, or any the Premiſes before mentioned, and by the ſaid Letters Patents laſt mentioned, intended and meant to be granted, were at the Time of the granting of the ſaid former Letters Patents, dated the third Day of *November*, in the Eighteenth Year of the Reign of his late Majeſty King *James* the firſt, actually poſſeſſed or inhabited by any other Chriſtian Prince or State, or were within the Bounds, Limits or Territories of the ſaid ſouthern Colony then before granted by the ſaid King, to be planted by divers of his loving Subjects in the South Parts of *America*, That then the ſaid Grant of Our ſaid Royal Grandfather ſhould not extend to any ſuch Parts or Parcels thereof ſo formerly inhabited, or lying within the Bounds of the Southern Plantation as aforeſaid. But as to thoſe Parts or Parcels ſo poſſeſſed or inhabited by any ſuch Chriſtian Prince or State, or being within the Boundaries aforeſaid, ſhould be utterly void: To have and to hold poſſeſs and enjoy the ſaid Parts of *New England* in *America*, which lie, extend, and are abutted as aforeſaid, and every Part and Parcel thereof; and all the Iſlands, Rivers, Ports, Havens, Waters, Fiſhings, Fiſhes, Mines, Minerals, Juriſdictions, Franchiſes, Royalties, Liberties, Priviledges, Commodities, and Premiſes whatſoever, with the Appurtenances, unto the ſaid Sir *Henry Roſwell*, Sir *John Young*, Sir *Richard Saltonſtall*, *Thomas Southcott*, *John Humphreys*, *John Endicott*, *Simon Whetcombe*, *Iſaac Johnſon*, *Samuel Alderſey*, *John Ven*, *Matthew Craddock*, *George Harwood*, *Increaſe Nowell*, *Richard Perry*, *Richard Bellingham*, *Nathanael Wright*, *Samuel Vaſſall*, *Theophilus Eaton*, *Thomas Goffe*, *Thomas Adams*, *John Brown*, *Samuel Brown*, *Thomas Hutchins*, *William Vaſſall*, *William Pincheon*, and *George Foxcroft*, their Heirs and Aſſigns for ever: To the only proper and abſolute Uſe and Behoof of the ſaid Sir *Henry Roſwell*, Sir *John Young*, Sir *Richard Saltonſtall*, *Thomas Southcott*, *John Humphreys*, *John Endicott*, *Simond Whetcombe*, *Iſaac Johnſon*, *Samuel Alderſey*, *John Ven*, *Matthew Craddock*, *George Harwood*, *Increaſe Nowell*, *Richard Perry*, *Richard Bellingham*, *Nathanael Wright*, *Samuel Vaſſall*, *Theophilus Eaton*, *Thomas Goffe*, *Thomas Adams*, *John Brown*, *Samuel Brown*, *Thomas Hutchins*, *William Vaſſall*, *William Pincheon*, and *George Foxcroft*, their Heirs and Aſſigns for evermore: To be holden of Our ſaid Royal Grandfather, his Heirs and Succeſſors, as of his Manner of *Eaſt Greenwich* in the County of *Kent*, within the Realm of *England*, in free and common Sockage, and not in *Capite* nor by Knights Service: And alſo yielding and paying therefore to Our ſaid Royal Grandfather, his Heirs and Succeſſors, the fifth Part only of all the Oar of Gold and Silver which from Time to Time and at all Times hereafter, ſhould be gotten, had or obtained for all Services, Exactions and Demands whatſoever. *Provided* always, and His Majeſties expreſs Will and meaning was, that only one fifth Part of all the Gold and Silver Oar above mentioned in the whole, and no more ſhould be anſwered, reſerved or payable unto Our ſaid Royal Grandfather, his Heirs and Succeſſors, by Colour or Vertue of the ſaid laſt mentioned Letters Patents, the double Reſervations or Recitals aforeſaid, any Thing therein contained notwithſtanding. And to the End that the Affairs and Buſineſs which from Time to Time ſhould happen and ariſe concerning the ſaid Lands, and the Plantations of the ſame, might be the better managed and ordered, and for the good Government thereof, Our ſaid Royal Grandfather King *Charles* the firſt, did by his ſaid Letters Patents create and make the ſaid Sir *Henry Roſwell*, Sir *John Young*, Sir *Richard Saltonſtall*, *Thomas Southcott*, *John Humphreys*, *John Endicott* *Simon Whetcombe*, *Iſaac Johnſon*, *Samuel Alderſey*, *John Ven*, *Matthew Craddock*, *George Harwood*, *Increaſe Nowell*, *Richard Perry*, *Richard Bellingham*, *Nathanael Wright*, *Samuel Vaſſall*, and *Theophilus Eaton*, *Thomas Goffe*, *Thomas Adams*, *John Brown*, *Samuel Brown*, *Thomas Hutchins*, *William Vaſſall*, *William Pincheon*, and *George Foxcroft*, and all ſuch others as ſhould thereafter be admitted and made free of the Company and Society therein after mentioned, one Body politique and corporate in Fact and Name, by the Name of the Governour and Company of the *Maſſachuſetts-Bay* in *New England*, and did grant unto them and their Succeſſors divers Powers, Liberties and Priviledges, as in and by the ſaid Letters Patents

Provided they do not intrench on any former Poſſeſſions or Rights.

To hold in Fee,

paying &c.

And made them a Body politic.

Patents may more fully and at large appear. And, *Whereas* the said Governour and Company of the *Maſſachuſetts-Bay* in *New-England*, by Vertue of the said Letters Patents did ſettle a Colony of the *Engliſh* in the ſaid Parts of *America*, and divers good Subjects of this Kingdom, encouraged and invited by the ſaid Letters Patents, did Tranſport themſelves and their Effects into the ſame, whereby the ſaid Plantation did become very populous, and divers Counties, Towns and Places, were created, erected, made, ſet forth, or deſigned within the ſaid Parts of *America*, by the ſaid Governour and Company for the Time being: And *whereas* in the Term of the *Holy Trinity*, in the thirty ſixth Year of the Reign of our deareſt Uncle King *Charles* the Second, a Judgment was given in Our Court of *Chancery* then ſitting at *Weſtminſter*, upon a Writ of *Scire facias*, brought and proſecuted in the ſaid Court againſt the Governour and Company of the *Maſſachuſetts-Bay* in *New-England*, that the ſaid Letters Patents of Our ſaid Royal Grand-Father King *Charles* the Firſt, bearing Date at *Weſtminſter* the 4th Day of *March*, in the fourth Year of his Reign, made and granted to the ſaid Governour and Company of the *Maſſachuſetts-Bay* in *New-England*, and the Enrollment of the ſame, ſhould be cancelled vacated and annihilated, and ſhould be brought into the ſaid Court to be cancelled, (as in and by the ſaid Judgment remaining upon Record in the ſaid Court doth more at large appear:) And whereas ſeveral Perſons employed as Agents in behalf of Our ſaid Colony of the *Maſſachuſetts-Bay* in *New-England*, have made their humble Application unto us, That We would be graciouſly pleaſed by Our Royal Charter to incorporate Our Subjects in Our ſaid Colony, and to grant and confirm unto them ſuch Powers, Priviledges and Franchizes as in Our *Royal Wiſdom*, ſhould be thought moſt conducing to Our Intereſt and Service, and to the Welfare and happy State of Our Subjects in *New-England*: And We being graciouſly pleaſed to gratify Our ſaid Subjects; and alſo to the End Our good Subjects within Our Colony of *New-Plymouth* in *New-England* aforeſaid, may be brought under ſuch a Form of Government, as may put them in a better Condition of Defence, and conſidering as well the granting unto them as unto Our Subjects in the ſaid Colony of the *Maſſachuſetts-Bay* Our Royal Charter, with reaſonable Powers and Priviledges, will much tend not only to the ſafety, but to the flouriſhing Eſtate of Our Subjects in the ſaid Parts of *New-England*, and alſo to the advancing of the Ends for which the ſaid Plantations were at firſt encouraged; of Our ſpecial Grace, certain Knowledge, and meer Motion, have willed and ordained, and We do by theſe Preſents for Us, Our Heirs and Succeſſors Will and Ordain, That the Territories and Colonies commonly called or known by the Names of the Colony of the *Maſſachuſetts-Bay*, and Colony of *New-Plymouth*, the Province of *Main*, the Territory called *Accada*, or *Nova-Scotia*; and all that Tract of Land lying between the ſaid Territories of *Nova-Scotia*, and the ſaid Province of *Main*, be erected, united and incorporated: And We do by theſe Preſents unite, erect and incorporate the ſame into one Real Province by the Name of Our Province of the *Maſſachuſetts-Bay* in *New-England*; and of Our eſpecial Grace, certain Knowledge, and meer Motion, We have given and granted, and by theſe Preſents, for Us, Our Heirs and Succeſſors, do give and grant unto Our good Subjects, the Inhabitants of Our ſaid Province or Territory of the *Maſſachuſetts-Bay*, and their Succeſſors, all that Part of *New-England* in *America*, lying and extending from the great River commonly called *Monomack*, alias *Merimack*, on the North Part, and from three Miles Northward of the ſaid River to the *Atlantick* or Weſtern Sea or Ocean on the South Part, and all the Lands and Hereditaments whatſoever lying within the Limits aforeſaid, and extending as far as the outermoſt Points or Promontories of Land called *Cape-Cod*, and *Cape Malabar* North and South, and in Latitude, Breadth, and in Length and Longitude, of and within all the Baredth and Compaſs aforeſaid throughout the main Land there, from the ſaid *Atlantick* or Weſtern Sea, and Ocean on the Eaſt Part towards the South Sea, or Weſtward as far as our Colonies of *Rhode-Iſland*, *Connecticut*, and the *Narraganſett Country*: And alſo all that Part and Portion of main Land, beginning at the Entrance of *Piſcataway Harbour*, and ſo to paſs up the ſame into the River of *Newichwannock*, and through the ſame into the furtheſt Head thereof, and from thence North-Weſtward, till one hundred and twenty Miles be finiſhed, and

Whereupon they ſettled a Colony and it became very populous.

That in 1684 in the Court of *Chancery* a Judgment was given that thoſe Letters Patents ſhould be cancelled vacated and annihilated, and ſhould be brought into Court to be cancelled.

The Agents of that Colony Petitioned to be re-incorporated.

K. *William* & Q. *Mary* unite the *Maſſachuſetts New-Plymouth* and the Province of *Main* & *Nova-Scotia* &c. into one real Province.

And grant to the Inhabitants all thoſe Lands herein bounded and deſcribed.

and from *Piſcataway Harbour* Mouth aforeſaid North-Eaſtward along the Sea Coaſt to *Sagadehock*, and from the Period of one hundred and twenty Miles aforeſaid to croſs over Land to the one hundred and twenty Miles before reckoned up into the Land from *Piſcataway* Harbour through *Newichwannock* River, and alſo the North half of the Iſles of *Shoals*, together with the Iſles of *Capawock*, and *Nantuckett* near *Cape-Cod* aforeſaid, and alſo Lands and Hereditaments lying and being in the Country and Territory commonly called *Accadia*, or *Nova-Scotia*, and all thoſe Lands and Hereditaments lying and extending between the ſaid Country or Territory of *Nova-Scotia*, and the ſaid River of *Sagadehock*, or any Part thereof; and all Lands, Grounds, Places, Soils, Woods and Wood-Grounds, Havens, Ports, Rivers, Waters, and other Hereditaments and Premiſes whatſoever, lying within the ſaid Bounds and Limits aforeſaid, and every Part and Parcel thereof: And alſo all Illands and Iſlets lying within ten Leagues directly oppoſite to the main Land within the ſaid Bounds: And all Mines and Minerals, as well Royal Mines of Gold and Silver, as other Mines and Minerals whatſoever in the ſaid Lands and Premiſes, or any Part thereof.

To hold in Fee.

To have and to hold, the ſaid Territories, Tracts, Countries, Lands, Hereditaments, and all and ſingular other the Premiſes, with their and every of their Appurtenants to our ſaid Subjects the Inhabitants of our ſaid Province of the *Maſſachuſetts-Bay* in *New-England*, and their Succeſſors to their only proper Uſe and Behoof for evermore, *To be holden* of Us, Our Heirs and Succeſſors, as of our Mannor of *Eaſt-Greenwich*, in the County of *Kent*, by Fealty only in

Paying, &c.

free and common Sockage: Yielding and paying therefore yearly to Us, Our Heirs and Succeſſors, the fifth Part of all Gold and Silver Oar, and Precious Stones which ſhall from time to time, and at all Times hereafter, happen to be found, gotten had and obtained in any of the ſaid Lands and Premiſes,

All Lands, Hereditaments, &c. formerly granted to any Town, College, or School of Learning, confirm'd.

or within any Part thereof: *Provided* nevertheleſs, and we do for Us, Our Heirs and Succeſſors grant and ordain, that all and every ſuch Lands, Tenements and Hereditaments, and all other Eſtates, which any Perſon or Perſons, or Bodies Politick, or Corporate, Towns, Villages, Colleges or Schools, do hold and enjoy, or ought to hold and enjoy, within the Bounds aforeſaid, by or under any Grant or Eſtate duly made or granted by any General Court formerly held, or by Virtue of the Letters Patents herein before recited, or by any other Lawful Right or Title whatſoever, ſhall be by ſuch Perſon and Perſons, Bodies Politick and Coporate, Towns, Villages, Colleges, or Schools, their reſpective Heirs, Succeſſors and Aſſigns for ever, hereafter held and enjoyed, according to the purport and intent of ſuch reſpective Grant, under and ſubject nevertheleſs to the Rents and Services thereby reſerved or made payable, any Matter or Thing whatſoever to the contrary notwithſtanding. *And provided alſo*, That

A ſaving for *Samuel Allen's* Claim.

nothing herein contained ſhall extend, or be underſtood or taken, to impeach or prejudice any Right, Title, Intereſt or Demand, which *Samuel Allen* of *London*, Merchant, claiming from and under *John Maſon*, Eſq; deceaſed, or any other Perſon or Perſons, hath or have, or claimeth to have, hold or enjoy, of, into, or out of any Part or Parts of the Premiſes ſituate within the Limits above mentioned: But that the ſaid *Samuel Allen*, and all and every ſuch Perſon and Perſons, may and ſhall have, hold and enjoy the ſame in ſuch Manner (and no other than) as if theſe Preſents had not been had or made. It being

Grants or Conveyances not prejudiced for want of Form.

And ordain that there ſhall be a Governour, Lieut-Governor and Secretary appointed by the King.

our further Will and Pleaſure, That no Grants or Conveyances of any Lands, Tenements or Hereditaments to any Towns, Colleges, Schools of Learning or to any private Perſon or Perſons, ſhall be judged or taken, to be avoided or prejudiced, for, or by Reaſon of any want or defect of Form, but that the ſame ſtand and remain in force, and be maintained and adjudged, and have effect in the ſame Manner as the ſame ſhould or ought before the Time of the ſaid recited Judgment, according to the Laws and Rules then and there uſually practiſed and allowed. *And* we do further, for Us, Our Heirs and Succeſſors, will, eſtabliſh and ordain, That from henceforth for ever there ſhall be one Governour; one Lieutenant, or Deputy-Governour; and one Secretary of Our ſaid Province or Territory, to be from time to time Appointed and Commiſſionated by Us, Our Heirs and Succeſſors; and eight and twenty Aſſiſtants, or Councellors,

Eight and Twenty Counſellors to be choſen as hereafter is expreſt.

to be adviſing and aſſiſting to the Governour of Our ſaid Province or Territory for the Time being, as by theſe Preſents is hereafter directed and appointed:

Which

Which said Counsellors or Assistants are to be constituted, elected and chosen in such Form and Manner as hereafter in these Presents is expressed. *And* for the better Execution of Our Royal Pleasure and Grant in this behalf, We do by these Presents, for Us, Our Heirs and Successors, nominate, ordain, make and constitute Our trusty and well-beloved *Simon Broadstreet, John Richards, Nathanael Saltonstall, Wait Winthrop, John Phillips, James Russell, Samuel Scwall, Samuel Appleton, Bartholomew Gedney, John Hawthorn, Elisha Hutchinson, Robert Pike, Jonathan Curwin, John Jolliffe, Adam Winthrop, Richard Middlecot, John Foster, Peter Serjeant, Joseph Lynd, Samuel Heyman, Stephen Mason, Thomas Hinkley, William Bradford, John Walley, Barnabas Lothrop, Job Alcot, Samuel Daniel,* and *Silvanus Davis*, Esqrs; the first and present Counsellors or Assistants of Our said Province; to continue in their said respective Offices or Trusts of Counsellors or Assistants until the last *Wednesday* in *May*, which shall be in the Year of Our Lord one Thousand six Hundred ninety and three, and until other Counsellors or Assistants shall be chosen and appointed in their stead, in such Manner as in these Presents is expressed. And we do further by these Presents constitute and appoint Our trusty and well-beloved *Isaac Addington*, Esq; to be Our first and present Secretary of Our said Province, during Our Pleasure. And Our Will and Pleasure is, That the Governour of Our said Province for the time being, shall have Authority, from time to time, at his Discretion, to assemble and call together the Counsellors or Assistants, of Our said Province for the time being: And that the said Governour, with the said Assistants or Counsellors or seven of them at the least, shall and may from time to time hold and keep a Council for the ordering and directing the Affairs of Our said Province. *And further*, We will, and by these Presents for Us, Our Heirs and Successors, do ordain and grant, that there shall and may be convened, held and kept by the Governour for the time being, upon every last *Wednesday* in the Month of *May*, every Year, for ever, and at all such other times as the Governour of Our said Province shall think fit and appoint, a Great and General Court or Assembly; which said Great and General Court or Assembly shall consist of the Governour and Council or Assistants for the time being; and of such Freeholders of Our said Province or Territory as shall be from time to time elected or deputed by the major Part of the Freeholders, and other Inhabitants of the respective Towns or Places who shall be present at such Elections; each of the said Towns and Places being hereby impowered to elect and depute two Persons and no more to serve for and represent them respectively in the said Great and General Court or Assembly. To which Great and General Court or Assembly to be held as aforesaid, We do hereby, for Us, Our Heirs and Successors, give and grant full Power and Authority from time to time to direct, appoint and declare what Number each County, Town and Place shall elect and depute to serve for, and represent them respectively in the said Great and General Court or Assembly. *Provided always*, That no Freeholder, or other Person, shall have a Vote in the Election of Members to serve in any Great and General Court or Assembly to be held as aforesaid, who at the time of such Election shall not have an Estate of Freehold in Land within Our said Province or Territory, to the Value of *Forty Shillings*, per *Annum* at the least; or other Estate to the Value of *Forty Pounds* Sterling: And that every Person who shall be so elected, shall, before he sit or act in the said Great and General Court or Assembly, take the Oaths mentioned in an *Act of Parliament* made in the first Year of Our Reign, Entitled, *An Act for abrogating of the Oaths of Allegiance and Supremacy, and appointing other Oaths*, and thereby appointed to be taken instead of the Oaths of Allegiance and Supremacy: And shall make, repeat and subscribe the Declaration mentioned in the said Act, before the Governour and Lieutenant or Deputy Governour, or any two of the Assistants for the time being, who shall be thereunto authorized and appointed by Our said Governour. And that the Governour for the time being shall have full Power and Authority from time to time, as he shall judge necessary, to adjourn, prorogue and dissolve all Great and General Courts or Assemblies met and conven'd as aforesaid. And Our Will and Pleasure is, and we do hereby, for Us, Our Heirs and Successors, grant establish and ordain, that yearly, once in every Year for ever hereafter, the aforesaid Number of eight and twenty Counsellors or Assistants shall be by the General Court or Assembly newly chosen; *That is to say*, Eighteen at least of the Inhabitants of, or Proprietors of Lands

The Names of the first Counsellors or Assistants.

To continue until *May*, 1693 and until Others are Chosen.

Secretary appointed.

The Governour may assemble the Counsellors & with seven hold a Counsel.

A General Court to be held the last *Wednesday* in *May* annually &c.

To consist of the Governour Council and such Freeholders as shall be elected to represent the respective Towns.

Each Town may elect two

Qualification of the Electors

Oaths to be taken &c. by the Representatives

The Governour to Adjourn, Prorogue and Dissolve the General Court

The Counsellors to be chosen yearly and their Qualification.

within the Territory formerly called the Colony of the *Massachusetts-Bay*; and four at the least of the Inhabitants of, or Proprietors of Lands within the Territory formerly called *New-Plymouth*; and three at the least of the Inhabitants of, or Proprietors of Lands within the Territory formerly called the *Province of Main*; and One at the least of the Inhabitants of, or Proprietors of Land within the Territory lying between the River of *Sagadehock* and *Nova-Scotia*. And that the said Counsellors or Assistants or any of them, shall or may at any time hereafter be removed or displaced from their respective Places or Trust of Counsellors or Assistants by any Great or General Court or Assembly; and that if any of the said Counsellors or Assistants shall happen to die, or be removed, as aforesaid, before the general Day of Election, that then, and in every such Case, the Great and General Court or Assembly, at their first sitting may proceed to a new Election of one or more Counsellors or Assistants, in the Room or Place of such Counsellors or Assistants so dying or removed. And We do further grant and ordain. That it shall and may be lawful for the said Governour, with the Advice and Consent of the Council or Assistants, from time to time, to nominate and appoint Judges, Commissioners of *Oyer* and *Terminer*, Sheriffs, Provosts, Marshals, Justices of the Peace, and other Officers, to Our Council and Courts of Justice belonging. *Provided always*, that no such Nomination or Appointment of Officers be made without Notice first given, or Summons issued out seven Days before such Nomination or Appointment, unto such of the said Counsellors or Assistants as shall be at that time residing within Our said Province. And Our Will and Pleasure is, That the Governour, and Lieutenant or Deputy-Governour and Counsellors or Assistants for the time being, and all other Officers to be appointed or chosen, as aforesaid, shall, before the undertaking the Execution of their Offices and Places respectively, take their several and respective Oaths for the due and faithful Performance of their Duties in their several and respective Offices and Places; and also the Oaths appointed by the said Act of Parliament made in the first Year of Our Reign, to be taken instead of the Oaths of Allegiance and Supremacy; and shall make, repeat and subscribe the Declaration mentioned in the said Act, before such Person or Persons as are by these Presents herein after appointed: (*That is to say*,) The Governour of Our said Province or Territory, for the time being, shall take the said Oaths, and make, repeat and subscribe the said Declaration before the Lieutenant or Deputy-Governour; or, in his Absence, before any two or more of the said Persons hereby nominated and appointed the present Counsellors or Assistants of Our said Province or Territory, to whom We do by these Presents give full Power and Authority to give and administer the same to Our said Governour accordingly. And after Our said Governour shall be Sworn, and shall have subscribed the said Declaration, that then Our Lieutenant or Deputy-Governour for the time being, and the Counsellors or Assistants before by these Presents nominated and appointed, shall take the said Oaths, and make, repeat and subscribe the said Declaration before Our said Governour: And that every such Person or Persons as shall (at any time of the annual Elections, or otherwise upon Death or Removal) be appointed to be the new Counsellors or Assistants, and all other Officers to be hereafter chosen from time to time, shall take the Oaths to their respective Offices and Places belonging; and also the said Oaths appointed by the said Act of Parliament, to be taken instead of the Oaths of Allegiance and Supremacy; and shall make, repeat and subscribe the Declaration mentioned in the said Act, before the Governour, or Lieutenant or Deputy-Governour, or any two or more Counsellors or Assistants; or such other Person or Persons as shall be appointed thereunto by the Governour for the time being: To whom we do therefore by these Presents give full Power and Authority from time to time, to give and administer the same respectively, according to Our true meaning herein before declared, without any Commission or further Warrant, to be had and obtained from Us, Our Heirs and Successors in that behalf. And Our Will and Pleasure is, and We do hereby require and command, That all and every Person and Persons hereafter by Us, Our Heirs and Successors, nominated and appointed to the respective Offices of Governour, or Lieutenant or Deputy-Governour, and Secretary of Our said Province or Territory (which said Governour, or Lieutenant, or Deputy Governour, and Secretary of Our said Province or Territory for the time being, We do hereby reserve full Power and Authority, to Us, Our Heirs and Successors,

To be supplyed upon Occasion.

Judges, Sheriffs, Justices, to be appointed.

Governour Lieutenant Governour, Counsellors & other Officers to take the Oaths, &c.

Before whom.

ceſſors, to nominate and appoint accordingly) ſhall before he or they be admitted to the Execution of their reſpective Offices, take as well the Oath for the due and faithful Performance of the ſaid Offices reſpectively, as alſo the Oaths appointed by the ſaid Act of Parliament, made in the ſaid firſt Year of Our Reign, to be taken inſtead of the ſaid Oaths of Allegiance and Supremacy; and ſhall alſo make, repeat and ſubſcribe the Declaration appointed by the ſaid Act in ſuch Manner, and before ſuch Perſons as aforeſaid. And further Our Will and Pleaſure is, and We do hereby for Us, Our Heirs and Succeſſors, grant, eſtabliſh and ordain, that all and every of the Subjects of Us, Our Heirs and Succeſſors, which ſhall go to and inhabit within Our ſaid Province and Territory, and every of their Children which ſhall happen to be born there, or on the Seas in going thither, or returning from thence, ſhall have and enjoy, all Liberties and Immunities of free and natural Subjects within any of the Dominions of Us, Our Heirs and Succeſſors, to all Intents, Conſtructions and Purpoſes whatſoever, as if they and every of them were born within this Our Realm of *England*. And for the greater Eaſe and Encouragement of Our loving Subjects inhabiting Our ſaid Province or Territory of the *Maſſachuſetts-Bay*, and of ſuch as ſhall come to inhabit there, We do by theſe Preſents, for Us, Our Heirs and Succeſſors, grant, eſtabliſh and ordain, that for ever hereafter there ſhall be a Liberty of Conſcience allowed in the Worſhip of GOD to all Chriſtians (except Papiſts) inhabiting or which ſhall inhabit or be reſident within Our ſaid Province or Territory. And We do hereby grant and ordain, That the Governour, or Lieutenant, or Deputy-Governour of Our ſaid Province or Territory, for the time being, or either of them, or any two or more of the Council or Aſſiſtants for the time being, as ſhall be thereunto appointed by the ſaid Governour, ſhall and may at all times, and from time to time hereafter, have full Power and Authority to adminiſter and give the Oaths appointed by the ſaid Act of Parliament, made in the firſt Year of Our Reign, to be taken inſtead of the Oaths of Allegiance and Supremacy, to all and every Perſon and Perſons which are now inhabiting or reſiding within Our ſaid Province or Territory, or which ſhall at any time or times hereafter go or paſs thither. And We do of Our further Grace, certain Knowledge and meer Motion, grant, eſtabliſh and ordain, for Us, Our Heirs and Succeſſors, that the Great and General Court or Aſſembly of Our ſaid Province or Territory for the time being, convened as aforeſaid, ſhall for ever have full Power and Authority to erect and conſtitute Judicatories and Courts of Record, or other Courts, to be held in the Name of Us, Our Heirs and Succeſſors; for the hearing, trying and determining of all Manner of Crimes, Offences, Pleas, Proceſſes, Plaints, Actions, Matters, Cauſes and Things whatſoever, ariſing or happening within Our ſaid Province or Territory; or between Perſons inhabiting or reſiding there; whether the ſame be criminal or civil, and whether the ſaid Crimes be capital or not capital, and whether the ſaid Places be real, perſonal or mixt; and for the awarding and making out of Execution thereupon: To which Courts and Judicatories, We do hereby, for Us, Our Heirs and Succeſſors, give and grant full Power and Authority, from time to time to adminiſter Oaths for the better diſcovery of Truth in any Matter in Controverſy or depending before them. And We do for Us, Our Heirs and Succeſſors, grant, eſtabliſh and ordain, that the Governour of Our ſaid Province or Territory for the time being, with the Council or Aſſiſtants, may do, execute or perform all that is neceſſary for the Probate of Wills, and granting of Adminiſtrations for touching or concerning any Intereſts or Eſtate which any Perſon or Perſons ſhall have within our ſaid Province or Territory: And whereas We judge it neceſſary, that all Our Subjects ſhould have Liberty to appeal to Us, Our Heirs and Succeſſors, in Caſes that may deſerve the ſame, We do by theſe Preſents ordain, that in Caſe either Party ſhall not reſt ſatisfied with the Judgment or Sentence of any Judicatories or Courts within Our ſaid Province or Territory in any perſonal Action, wherein the Matter in Difference exceed the Value of *three hundred Pounds* Sterling, that then he or they may appeal to Us, Our Heirs and Succeſſors, in Our or their Privy Council. *Provided*, Such Appeal be made within fourteen Days after the Sentence or Judgment given; and that before ſuch Appeal be allowed, Security be given by the Party or Parties appealing, in the Value of the Matter in Difference, to pay or anſwer the Debt or Damages for the which Judgment or Sentence is given, with ſuch Coſts and Damages as ſhall be awarded by Us, Our Heirs or

Perſons Born in *New-England*, to have the Privileges of natural Subjects of *England*.

Liberty of Conſcience to be granted to all Chriſtians, except Papiſts.

Governor &c. to adminiſter the Oaths appointed to the Inhabitants.

The General Court impowered to erect Judicatories, and Courts of Record, &c.

Governour with the Council ſhall have the Probate of Wills, and granting Adminiſtrations.

Appeals to the King in ſome Perſonal Actions.

Execution not to be ſtaid.

Succeſſors, in Caſe the Judgment or Sentence be affirmed: And *Provided alſo*, That no Execution ſhall be ſtaid or ſuſpended, by Reaſon of ſuch Appeal unto Us, Our Heirs and Succeſſors, in Our or their Privy Council; ſo as the Party ſueing or taking out Execution, do in the like Manner give Security to the Value of the Matter in Difference, to make Reſtitution in Caſe the ſaid Judgment or Sentence be reverſed or annulled upon the ſaid Appeal.

The General Court has Power to make Laws, not repugnant to the Laws of *England*.

And We do further, for Us, Our Heirs and Succeſſors, give and grant to the ſaid Governour, and the Great and General Court or Aſſembly of Our ſaid Province or Territory, for the time being, full Power and Authority, from time to time, to make, ordain and eſtabliſh all Manner of wholſome and reaſonable Orders, Laws, Statutes and Ordinances, Directions and Inſtructions either with Penalties or without (ſo as the ſame be not repugnant or contrary to the Laws of this Our Realm of *England*) as they ſhall judge to be for the Good and Welfare of Our ſaid Province or Territory, and for the Government and ordering thereof, and of the People inhabiting, or who ſhall inhabit the ſame; and for the neceſſary Support and Defence of the Government thereof.

To name and ſettle civil Officers, except, &c.

And We do for Us, Our Heirs and Succeſſors, give and grant, that the ſaid General Court or Aſſembly, ſhall have full Power and Authority, to name and ſettle annually all Civil Officers within the ſaid Province, ſuch Officers excepted, the Election and Conſtitution of whom We have by theſe Preſents reſerved to Us, Our Heirs and Succeſſors, or to the Governour of Our ſaid Province for the time being; and to ſet forth the ſeveral Duties, Powers and Limits of every ſuch Officer to be appointed by the ſaid General Court or Aſſembly; and the Forms of ſuch Oaths not repugnant to the Laws and Statutes of this Our Realm of *England*, as ſhall be reſpectively adminiſtred unto them for the Execution of their ſeveral Offices and Places; and alſo to

To impoſe Fines &c. And Taxes to be diſpoſed by Warrant from the Governour and Council.

impoſe Fines, Mulcts, Impriſonments, and other Puniſhments; and to impoſe and levy proportionable and reaſonable Aſſeſſments, Rates and Taxes, upon the Eſtates and Perſons of all and every the Proprietors or Inhabitants of Our ſaid Province or Territory, to be iſſued and diſpoſed of by Warrant under the Hand of the Governour of Our ſaid Province for the time being, with the Advice and Conſent of the Council, for Our Service in the neceſſary Defence and Support of Our Government of Our ſaid Province or Territory, and the Protection and Preſervation of the Inhabitants there, according to ſuch Acts as are or ſhall be in Force within Our ſaid Province; and to diſpoſe of Matters and Things whereby Our Subjects, Inhabitants of Our ſaid Province may be

To promote Religion and good Order, and the Converſion of the *Indians*.

religiouſly, peaceably and civilly governed, protected and defended; ſo as their good Life and orderly Converſation may win the *Indians*, Natives of the Country, to the Knowledge and Obedience of the only true God and Saviour of Mankind, and the Chriſtian Faith, which His Royal Majeſty Our Royal Grandfather King *Charles* the firſt, in His ſaid Letters Patents declared was His Royal Intention, and the Adventurers free Profeſſion to be the principal End of the ſaid Plantation. And for the better ſecuring and maintaining Liberty of Conſcience hereby granted to all Perſons, at any time being and reſiding within Our ſaid Province or Territory as aforeſaid, willing, commanding and requiring, and by theſe Preſents for Us, Our Heirs and Succeſſors, ordaining and appointing that all ſuch Orders, Laws, Statutes and Ordinances, Inſtructions and Directions as ſhall be ſo made and publiſhed under Our Seal of Our ſaid Province or Territory, ſhall be carefully and duly obſerved, kept and performed, and put in Execution according to the true Intent and Meaning of theſe Preſents. *Provided always*,

The Governour to have the negative Voice in all Elections and Acts of Government.

And We do by theſe Preſents, for Us, Our Heirs and Succeſſors, eſtabliſh and ordain, that in the framing and paſſing of all ſuch Orders, Laws, Statutes and Ordinances, and in all Elections and Acts of Government whatſoever, to be paſſed, made or done by the ſaid General Court or Aſſembly, or in Council, the Governour of Our ſaid Province or Territory of the *Maſſachuſetts-Bay* in *New-England* for the time being, ſhall have the negative Voice; and that without his Conſent or Approbation ſignified and declared in writing, no ſuch Orders, Laws, Statutes, Ordinances, Elections, or other Acts of Government whatſoever, ſo to be made, paſſed or done by the ſaid General Aſſembly or in Council,

Laws to be ſent to *England*, for the Royal Approbation.

ſhall be of any Force, Effect or Validity; any Thing herein contained to the contrary in any wiſe notwithſtanding. And We do for Us, Our Heirs and Succeſſors, eſtabliſh and ordain, that the ſaid Orders, Laws, Statutes and Ordinances, be by the firſt Opportunity after the making thereof, ſent or tranſmitted

unto

unto Us, Our Heirs and Succeſſors, under the publick Seal, to be appointed by Us, for Our or their Approbation or Diſallowance. And that in Caſe all or any of them ſhall at any time within the ſpace of three Years, next after the ſame ſhall have been preſented to Us, Our Heirs and Succeſſors, in Our or their Privy Council, be diſallowed and rejected, and ſo ſignified by Us, Our Heirs and Succeſſors under Our or their Sign Manual and Signet; or by, or in Our or their Privy Council, unto the Governour for the time being, then ſuch and ſo many of them as ſhall be ſo diſallowed and rejected, ſhall thenceforth ceaſe and determine, and become utterly void and of none Effect. *Provided always*, That in Caſe, We, Our Heirs or Succeſſors, ſhall not within the Term of three Years after the preſenting of ſuch Orders, Laws, Statutes or Ordinances, as aforeſaid, ſignify Our or Their Diſallowance of the ſame, then the ſaid Orders, Laws, Statutes or Ordinances, ſhall be and continue in full Force and Effect, according to the true Intent and Meaning of the ſame, until the Expiration thereof, or that the ſame ſhall be repealed, by the General Aſſembly of Our ſaid Province for the time being. *Provided alſo*, That it ſhall and may be lawful for the ſaid Governour and General Aſſembly, to make or paſs any Grant of Lands lying within the Bound of the Colonies formerly called the Colonies of the *Maſſachuſetts-Bay*, and *New-Plymouth*, and Province of *Main*, in ſuch Manner as heretofore they might have done by Virtue of any former Charter or Letters Patents; which Grants of Lands within the Bounds aforeſaid, We do hereby will and ordain to be and continue for ever of full Force and Effect, without Our further Approbation or Conſent. And ſo as nevertheleſs, and it is Our Royal Will and Pleaſure, that no Grant or Grants of any Lands lying or extending from the River of *Sagadebock* to the Gulph of St. *Laurence* and *Canada Rivers*, and to the Main Sea Northward and Eaſtward, to be made or paſt by the Governour and General Aſſembly of Our ſaid Province, be of any Force, Validity or Effect, until We, Our Heirs and Succeſſors, ſhall have ſignified Our or Their Approbation of the ſame. And we do by theſe Preſents for Us, Our Heirs and Succeſſors, grant, eſtabliſh and ordain, that the Governour of Our ſaid Province or Territory for the time being, ſhall have full Power by himſelf, or by any Chief Commander, or other Officer or Officers, to be appointed by him from time to time, to train, inſtruct, exerciſe and govern the Militia there; and for the ſpecial Defence and Safety of Our ſaid Province or Territory, to aſſemble in Martial Array, and put in Warlike Poſture the Inhabitants of Our ſaid Province or Territory, and to lead and conduct them, and with them to encounter, expulſe, repel, reſiſt and purſue by Force of Arms, as well by Sea as by Land, within or without the Limits of Our ſaid Province or Territory, and alſo to kill, ſlay, deſtroy and conquer, by all fitting Ways, Enterprizes and Means whatſoever, all and every ſuch Perſon and Perſons as ſhall at any time hereafter attempt or enterprize the Deſtruction, Invaſion, Detriment or Annoyance of Our ſaid Province or Territory; and to uſe and exerciſe the Law Martial in time of actual War, Invaſion or Rebellion, as Occaſion ſhall neceſſarily require; and alſo from time to time to erect Forts, and to fortify any Places or Places within Our ſaid Province or Territory, and the ſame to furniſh with all neceſſary Ammunition, Proviſion and Stores of War, for Offence or Defence, and to commit from time to time, the Cuſtody and Government of the ſame, to ſuch Perſon or Perſons as to him ſhall ſeem meet; and the ſaid Forts and Fortifications to demoliſh at his Pleaſure, and to take and ſurprize by all Ways and Means whatſoever, all and every ſuch Perſon or Perſons with their Ships, Arms, Ammunition, and other Goods, as ſhall in a hoſtile Manner invade, or attempt the invading, conquering or annoying of Our ſaid Province or Territory. *Provided always*, and We do by theſe Preſents, for Us, Our Heirs and Succeſſors, grant, eſtabliſh and ordain, That the ſaid Governour ſhall not at any time hereafter, by Virtue of any Power hereby granted, or hereafter to be granted to him, tranſport any of the Inhabitants of Our ſaid Province or Territory, or oblige them to march out of the Limits of the ſame without their free and voluntary Conſent, or the Conſent of the Great and General Court or Aſſembly of Our ſaid Province or Territory; nor grant Commiſſions for exerciſing the Law Martial upon any the Inhabitants of Our ſaid Province or Territory, without the Advice and Conſent of the Council or Aſſiſtants of the ſame. Provided in like Manner, and We do by theſe Preſents, for Us, Our Heirs and Succeſſors, conſtitute and ordain, That when and

If not Diſallowed within three Years, to be in Force until repealed by the General Aſſembly.

The General Court has Power to paſs any Grants of Land in *Maſſachuſetts*, *Plymouth*, or the Province of *Main*.

Grants of Land between *Sagadebock* and St. *Laurence* to have the Royal Approbation:

The Governour to command the Militia.

To erect and demoliſh Forts, &c.

Not to tranſport any Perſons out of the Province without their own Conſent, &c.

Nor exerciſe the Law-martial without Advice of the Council.

In Case of the Governour's Death removal or Absence from his Government the Lieutenant Governour shall supply his Place.

and as often as the Governour of Our said Province for the time being, shall happen to die, or be displaced by Us, Our Heirs or Successors, or be absent from his Government; that then and in any of the said Cases, the Lieutenant or Deputy Governour of Our said Province, for the time being, shall have full Power and Authority, to do and execute all and every such Acts, Matters and Things, which Our Governour of Our said Province, for the time being, might or could by Virtue of these Our Letters Patents lawfully do or execute, if he were personally present, until the return of the Governour so absent, or arrival or Constitution of such other Governour as shall or may be appointed by Us, Our Heirs or Successors in his stead: And that when and as often as the Governour, and Lieutenant or Deputy Governour of Our said Province or Territory, for the time being, shall happen to die, or be displaced by Us, Our Heirs or Successors, or be absent from Our said Province; and that there shall be no Person within the said Province, commissionated by Us, Our Heirs or Successors to be Governour within the same; then and in every of the said Cases, the Council or Assistants of Our said Province shall have full Power and Authority, and We do hereby give and grant unto the said Council or Assistants of Our said Province, for the being, or the major Part of them, full Power and Authority to do and execute all and every such Acts, Matters and Things which the said Governour, or Lieutenant or Deputy Governour of Our said Province or Territory, for the time being, might or could lawfully do or exercise, if they or either of them were personally present, until the return of the Governour, Lieutenant or Deputy Governour so absent, or Arrival or Constitution of such other Governour, or Lieutenant or Deputy Governour, as shall and may be appointed by Us, Our Heirs or Successors from time to time. *Provided always*, and it is hereby declared, that nothing herein shall extend or be taken to erect, or grant, or allow the exercise of any Admiral Court, Jurisdiction, Power or Authority, but that the same shall be, and is hereby reserved to Us and Our Successors, and shall from time to time be erected, granted and exercised by Virtue of Commissions to be issued under the great Seal of *England*, or under the Seal of the High Admiral, or the Commissioners for executing the Office of High Admiral of *England*. And further, Our express Will and Pleasure is, and We do by these Presents, for Us, Our Heirs and Successors, ordain and appoint that these Our Letters Patents shall not in any Manner enure, or be taken to abridge, bar or hinder any of Our loving Subjects whatsoever, to use and exercise the Trade of fishing upon the Coasts of *New-England*, but that they and every of them shall have full and free Power and Liberty to continue and use their said Trade of Fishings upon the said Coasts, in any of the Seas thereunto adjoyning, or any Arms of the said Seas or Salt-Water Rivers where they have been wont to Fish; and to build and set upon the Lands within Our said Province or Colony, lying waste, and not then possess'd by particular Proprietors, such Wharffs, Stages and Work-Houses, as shall be necessary for the Salting, Drying, Keeping and Packing of their Fish, to be taken or gotten upon that Coast; and to cut down and take such Trees and other Materials there growing, or being upon any Parts or Places lying waste, and not then in Possession of particular Proprietors, as shall be needful for that Purpose, and for all other necessary Easements, Helps and Advantages concerning the Trade of Fishing there, in such Manner and Form as they have been heretofore at any Time accustomed to do, without making any wilful Waste or Spoil; any Thing in these Presents contained to the contrary notwithstanding. And lastly, for the better providing and furnishing of Masts for Our Royal Navy, We do hereby reserve to Us, Our Heirs and Successors, all Trees of the Diameter of twenty four Inches, and upwards of twelve Inches from the Ground, growing upon any Soil or Tract of Land within Our said Province or Territory, not heretofore granted to any private Persons: And We do restrain and forbid all Persons whatsoever from felling, cutting or destroying any such Trees without the Royal Licence of Us, Our Heirs and Successors, first had and obtained; upon Penalty of forfeiting *One Hundred Pounds* Sterling unto Us, Our Heirs and Successors, for every such Tree so felled, cut or destroyed, without such Licence had or obtained in that Behalf: Any Thing in these Presents contained to the contrary notwithstanding. In Witness whereof We have caused these Our Letters to be made Patents. Witness Our Selves at *Westminster*, the Seventh Day of *October*, in the Third Year of Our Reign.

In the absence of both the Governour & Deputy Governour, the major Part of the Counsel to have their Power.

Admiralty Jurisdictions reserved.

The Trade of Fishing not to be abridg'd.

Trees fit for Masts not growing upon any Soil granted to particular Persons to be preserved.

By Writ of Privy Seal.

PIGOT.

The Explanatory CHARTER granted by His Majesty King GEORGE.

GEORGE, by the Grace of GOD of *Great-Britain*, *France* and *Ireland*, KING, Defender of the Faith, *&c.* To all to whom these Presents shall come, Greeting. Whereas Our late Royal Predecessors *WILLIAM* and *MARY*, KING and QUEEN of *England*, &c. did by their Letters Patents under their great Seal of *England*, bearing Date at *Westminster*, the seventh of *October* in the third Year of their Reign, for Themselves, Their Heirs and Successors, unite, erect and incorporate, the Territories and Colonies, commonly called and known by the Names of the Colony of the *Massachusetts-Bay*, and Colony of *New-Plymouth*, the Province of *Main*, the Territory called *Accada* or *Nova-Scotia*, and all that Tract of Land lying between the said Territories of *Nova-Scotia*, and the said Province of *Main* into one real Province by the Name of Our Province of the *Massachusetts-Bay* in *New-England*. And whereas their said late Majesties King *WILLIAM* and Queen *MARY*, did by the said recited Letters Patents (amongst other Things therein contained) for themselves, their Heirs, and Successors, ordain and grant, that there should and might be convened, held and kept by the Governour for the time being, upon every last Wednesday in the Month of *May* every Year for ever, and at all such other Times as the Governour of their said Province should think fit, and appoint a Great and General Court or Assembly; which said Great and General Court or Assembly should consist of the Governour and Council, or Assistants for the time being, and of such Freeholders of their said Province or Territories as should be from time to time elected or deputed by the major Part of the Freeholders and other Inhabitants of the respective Towns or Places, who should be present at such Elections: Each of the said Towns and Places, being thereby impowred to elect and depute two Persons and no more, to serve for and represent them respectively in the said Great and General Court or Assembly, and that the Governour for the time being should have full Power and Authority from time to time as he should judge necessary, to adjourn, prorogue, and dissolve all Great and General Courts or Assembly's met and convened as aforesaid: And did thereby also for themselves, their Heirs and Successors, provide, establish and ordain, that in the framing and passing of all Orders, Laws, Statutes, and Ordinances, and in all Elections, and Acts of Government whatsoever, to be passed, made or done by the said General Court or Assembly or in Council, the Governour of the said Province or Territory of the *Massachusetts-Bay* in *New-England* for the time being should have the Negative Voice, and that without his Consent or Approbation, signified and declared in Writing, no such Orders, Laws, Statutes, Ordinances, Elections, or other Acts of Government whatsoever, so to be made, passed or done by the said General Assembly, or in Council, should be of any Force, Effect, or Validity, any thing therein contained to the contrary in any wise Notwithstanding, As in and by the said Letters Patents (Relation being thereunto had) may more fully and at large appear.

And whereas no Provision is made by the said recited Letters, Patents, touching the Nomination and Election of a *Speaker* of the Representatives assembled in any Great and General Court of Our said Province, nor any particular Reservation made of the Right of Us, Our Heirs and Successors to approve or disapprove of such *Speaker* by the Governour of the said Province appointed, or to be appointed by Us or Them for the time being; And no Power is granted by the said recited Letters Patents to the said House of Representatives to adjourn themselves for any time whatsoever, by Means whereof divers Doubts and Controversies have arisen within Our said Province, to the Interruption of the publick Business thereof, and the Obstruction of Our Service; *Know ye therefore*, that for removing the said Doubts and Controversies, and preventing the like Mischiefs for the future; And also for the further Explanation of the said

said recited Letters Patents, We of Our especial Grace, certain Knowledge, and meer Motion, have granted, ordained and appointed, and by these Presents for Us, Our Heirs and Successors, do will, grant, ordain, and appoint, that for ever hereafter, the Representatives assembled in any Great or General Court of Our said Province to be hereafter Summoned, shall upon the first Day of their assembling, elect a fit Person out of the said Representatives to be *Speaker* of the House of Representatives, in such General Court, And that the Person so elected shall from time to time be presented to the Governour of Our said Province for the time being, or in his Absence to the Lieutenant Governour or Commander in Chief of our said Province for the time being, for his Approbation: To which Governour, Lieutenant Governour and Commander in Chief respectively, We do hereby for Us, Our Heirs and Successors, give full Power and Authority to approve or disapprove of the Person so elected and presented, which Approbation or Disapprobation shall be signified by him by Message in writing under his Hand to the said House of Representatives, and in Case such Governour, Lieutenant Governour or Commander in Chief, shall disapprove of the Person so elected and presented or the Person so elected and presented being approved as aforesaid shall happen to die, or by Sickness or otherwise be disabled from officiating as *Speaker*, in every such Case, the said Representatives so assembled, shall forthwith elect an other Person to be Speaker of the House of Representatives to be presented and approved, or disapproved, in Manner as aforesaid, and so from time to time as often as the Person so elected and presented shall be disapproved of, or happen to die, or become disabled as aforesaid.

Speaker to be approved or disapproved by written Message.

And Our further Will and Pleasure is, and We do by these Presents of Our more abundant Grace for Us, Our Heirs and Successors, grant, ordain, and appoint, that it shall and may be lawful to and for the Representatives assembled in any Great or General Court of Our said Province for the time being, forever hereafter, to adjourn themselves from Day to Day, (and if Occasion shall require) for the space of two Days; but not for any longer time, than for the space of two Days without leave from the Governour, or in his Absence from the Lieutenant Governour or Commander in Chief of Our said Province for the time being, first had and obtained in that behalf, any Thing in the said recited Letters Patents contained to the contrary hereof in any wise notwithstanding.

Representatives to adjourn themselves not exceeding two Days without Leave.

Provided always, That nothing in these Presents contained shall extend, or be construed to extend, to revoke, alter, or prejudice the Power and Authority by the said recited Letters Patents, granted to the Governour of the said Province for the time being, to adjourn, prorogue and dissolve all Great and General Courts or Assemblies of Our said Province.

And lastly, We do by these Presents, for Us, Our Heirs and Successors, grant that these Our Letters Patents, or the Enrolment, or Exemplification thereof, shall be in and by all Things good, firm, valid and effectual in the Law according to the true intent and meaning thereof, notwithstanding the not rightly, or fully reciting, mentioning, or describing the said recited Letters Patents, or the Date thereof, or any other Omission, Imperfection, Defect, Matter, Cause or Thing whatsoever to the contrary thereof in any wise notwithstanding.

In Witness whereof, We have caused these Our Letters to be made Patents, Witness, WILLIAM Arch Bishop of *Canterbury*, and the rest of the Guardians and Justices of the Kingdom at *Westminster* the six and twentieth Day of *August*, in the twelfth Year of Our Reign.

By Writ of Privy Seal.

COCKS.

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Acts

ACTS
AND
LAWS,
Of His Majesty's
PROVINCE
OF THE
Massachusetts-Bay
IN
NEW-ENGLAND.

Boston in New-England:

Printed and Sold by Samuel Kneeland and Timothy Green, by Order of His Excellency the GOVERNOUR, Council and House of Representatives. MDCCXLII.

Printed,

By Order of His Excellency the Governour, Council and Assembly.

Josiah Willard, Secr.

BOSTON, August 8th.
1741.

Acts and Laws,

Passed by the Great and General Court or Assembly of the Province of the *Massachusetts-Bay* in *New-England*: Begun and Held at *Boston* the eighth of *June* 1692. and continued by Adjournment unto the twelfth Day of *October* following.

CHAP. I.

An Act for building with Stone or Brick in the Town of *Boston*, and preventing Fire.

WHEREAS Great Desolations and Ruins, have sundry Times happened by Fire breaking out in the Town of Boston, *principally occasioned by Reason of the joyning and nearness of the Buildings, being mostly of Timber, and covered with Shingle:*

Additional Act. *Anno.* 12 *W.* Cap. 3.

For the better preventing of such Accidents for the future, and Damage and Loss thereby;

Be it ordained and enacted by the Governour, Council and Representatives, convened in General Court or Assembly, and it is enacted by the Authority of the same, That henceforth no Dwelling-House, Shop, Ware-House, Barn, Stable, or any other Housing of more than eight Feet in Length, or Breadth, and seven Feet in Heighth, shall be erected and set up in *Boston*, but of Stone or Brick, and covered with Slate or Tile; unless in particular Cases where Necessity requires, being so judged and signified in writing under the Hands of the Justices and Select-Men of the said Town, or major Part of both; the Governour with the Advice and Consent of the Council shall see Cause to grant Licence unto any Person to build with Timber, or cover with Shingle. And if any Person shall presume to erect, or Cause to be erected, any Frame or Building contrary hereto; upon Conviction thereof, before two Justices of Peace (*Quorum Unus*) such Building shall be deemed a com-

Buildings in *Boston* to be of Brick or Stone, and covered with Slate.

Governour and Council to grant Licence to build with Timber in Case.

common Nusance, and the Owner of such Frame or Building shall enter into a Recognizance to demolish the same; and in default of entring into such Recognizance, shall be committed to Prison, until he do Cause the same to be demolished; or else such Building shall be demolished by Order of the Quarter Sessions of the Peace within the said County, and the Charges thereof to be levied by Distress, and Sale of such Offenders Goods, by Warrant from the Court of Quarter Sessions.

Penalty for transgressing this Act.

And it is further ordered and enacted, That in all void and unbuilt Places, which shall hereafter be improved for Building, or when at any Time any total Consumption or Desolation shall happen in any Street or Lane within the said Town, it shall be in the Power of the Justices of the Peace of said Town then in being, together with the Select-Men, or the major Part of both; to state and lay out such Streets, Ways and Passages, as may be most for the Conveniency and Accommodation of the Place; As also where any Desolation has happened, to regulate and enlarge other narrow and crooked Lanes or Passages. And where any particular Persons shall have their Land taken away or lessened thereby; a Jury of twelve Men shall be appointed by two Justices of the Peace, and Sworn to Ascertain the Value thereof, to be paid by the Person, to whose Land the same shall be added, or by the Neighbourhood, or Town, in Proportion to the Benefit or Conveniency any shall have thereby. And every Person building as aforesaid with Brick or Stone, shall have Liberty to set half his Partition Wall in his Neighbours Ground, so that he leave toothing in the Corners of such Walls for his Neighbour to join unto, who when he shall build, such Neighbour adjoyning, shall pay for one half of the said Partition Wall, so far as it shall be built against. And in Case of any Difference arising, the Select-Men shall have Power to appoint meet Persons to Value the same, or lay out the Line between such Neighbours.

Justices and Select Men to lay out Streets, &c.

A Jury to ascertain the Value of any Persons Land laid to any Street.

Party Wall to stand half in the Neighbours Ground.

And whereas several Houses and other Buildings have been erected and set up since the Year 1688. *contrary to the Law made by the General Court of the* Massachusetts *Colony*:

It is hereby ordained and enacted by the Authority aforesaid, That every Owner of such House and Buildings so set up, contrary to said Law, shall Cause the same to be covered with Slate or Tile; or otherwise such Houses or Buildings shall be deemed a common Nusance, and the Owner thereof proceeded against accordingly.

And be it further enacted and declared by the Authority aforesaid, That when any Fire shall happen to break out either in *Boston*, or any other Town within this Province, two or three of the chief military or civil Officers of the same Town, shall, or may, and hereby are impowred to give Directions for the pulling down, or blowing up any such House or Houses that shall be by them adjudged meet to be pulled down or blown up, for the stopping and preventing the further spreading of the same, And if it shall happen that the pulling down or blowing up any such House or Houses by the Directions aforesaid, shall be the Occasion of stopping the said Fire, or that the Fire stop before it come to the same: That then all and every Owner of such House or Houses, shall receive reasonable Satisfaction, and be paid for the same, by the rest of the Inhabitants, whose Houses shall not be burnt; who are hereby impowred to make such Rate or Rates, for the raising and levying such Sum and Sums of Money as shall be thought convenient by the Select-Men and Justices of said Town for that End.

Two or three of the chief Military and Civil Officers to order the pulling down or blowing up of Houses to stop Fire.

For which the Owners shall be paid.

Provided always, That if the House where the Fire shall first begin and break out, shall be adjudged fit to be pulled down or blown up to hinder the further spreading and increase of the same: That then the Owner of such House shall receive no manner of Satisfaction for the same: Any thing in this Act contained notwithstanding.

CHAP.

CHAP. II.

An Act for the Settlement and Distribution of the Estates of Intestates.

WHEREAS Estates in these Plantations do consist chiefly of Lands which have been subdued and brought to Improvement, by the Industry and Labour of the Proprietors, with the Assistance of their Children, the younger Children generally having been longest and most serviceable unto their Parents in that Behalf; who have not Personal Estate to give out unto them in Portions, or otherwise to Recompence their Labour:

Be it therefore enacted and ordained by the Governour, Council and Representatives convened in General Court or Assembly, and it is ordained by the Authority of the same, That every Person lawfully Seized of any Lands, Tenements, or Hereditaments within this Province, in his own proper Right in Fee Simple, shall have Power to give, dispose, and devise, as well by his last Will and Testament in Writing, as otherwise by any Act executed in his Life, all such Lands, Tenements and Hereditaments to and among his Children or others, as he shall think fit at his Pleasure. And if no such Disposition, Gift or Devise be made by the Owner of any such Lands, Tenements and Hereditaments; the same shall be subject to a Division, with his personal Estate, and be a like distributed, according to the Rules herein after expres'd for intestate Estates. And when and so often as it shall happen, That any Person dies Intestate, Administration of such Intestates Goods and Estate shall be granted unto the Widow or next of Kin to the Intestate, or both, as the Judge for Probate of Wills, and granting of Administrations shall think fit, who shall thereupon take Bond with Sureties in manner as is directed by the Statute of the twenty second and twenty third of *Charles* the Second; and shall and may proceed to call such Administrators to Account for, and touching the Goods of the Intestate: And upon due Hearing and Consideration thereof, (Debts, Funeral and just Expences of all Sorts being first allowed) the said Judge shall, and hereby is fully impowred to Order and make a just Distribution of the Surplusage, or remaining Goods and Estate, as well real as personal, in Manner following: *That is to say*, One third Part of the personal Estate to the Wife of the Intestate for ever, besides her Dower or Thirds in the Houses and Lands during Life, where such Wife shall not be otherwise endowed before Marriage; and all the Residue of the real and personal Estate by equal Portions to and among his Children, and such as shall legally represent them; (if any of them be dead) other than such Children, who shall have any Estate by Settlement of the Intestate in his Life time equal to the others Shares. Children advanced by Settlement, or Portions not equal to the others Shares, to have so much of the Surplusage as shall make the Estate of all to be equal, except the eldest Son then surviving, (where there is no Issue of the First-born or of any other elder Son) who shall have two Shares, or a double Portion of the whole; and where there are no Sons, the Daughters shall inherit as Coparceners. The Division of the Houses and Lands to be made by five sufficient Freeholders upon Oath, or any three of them, to be appointed and sworn by the Judge for that End: Unless where all the Parties interested in any Estate being legally capable to act, shall mutually agree of a Division among themselves, and present the same in Writing under their Hands and Seals: In which Case, such Agreement shall be accepted and allowed for a Settlement of such Estate, and be accounted valid in Law, being acknowledged by the Parties subscribing before the Judge, and put upon Record.

Persons seized of Lands in Fee simple may dispose of the same by Will, &c.

Administration to the Estate of Intestates how to be granted. *Ca.* 10.

Distribution of Intestate Estates.

Dower: 13 *Wm* ca. 9. 9 *Anne* ca. 2.

6 *Georgi* ca. 5.

4 *Geo.* 2*d.* ca. 5.

Provided

Houses and Lands not capable of Division, to be ordered unto the eldest Son, he paying out proportionable Parts to the other Children.

Provided nevertheless, That where any Estate in Houses and Lands cannot be divided among all the Children, without great Prejudice to, or spoiling of the whole; being so represented, and made to appear unto the said Judge, the Judge may order the whole unto the eldest Son if he accept it, or to any other of the Sons successively, upon his refusal: He paying unto the other Children of the deceased, their equal and proportionable Parts or Shares of the true Value of such Houses and Lands; upon a just Apprizement thereof, to be made by three sufficient Freeholders upon Oath, to be appointed and sworn as aforesaid, or giving good Security to pay the same in some convenient Time, as the said Judge shall limit, making reasonable Allowance in the interim, not exceeding six *per Cent*, *per Annum*. And if any of the Children happen to dye, before he or she come of Age, or be married; the Portion of such Child deceased, shall be equally divided among the Survivors.

6 Geo. ca 5.

In Case there be no Children nor legal Representative of them, the Estate to be allotted to the Wife and next of Kin.

9 Anne ca. 2.

And in Case there be no Children, nor any legal Representatives of them, then one Moiety of the personal Estate, shall be allotted to the Wife of the Intestate for ever; and one third of the real Estate for Term of Life. The residue both of the real and personal Estate, equally to every of the next of Kin of the Intestate in equal Degree, and those who legally represent them. No Representatives to be admitted among Collaterals after Brothers and Sisters Children. And if there be no Wife, all shall be distributed among the Children, and if no Child, to the next of Kin to the Intestate in equal Degree, and their legal Representatives as aforesaid, and in no other Manner whatsoever. And every one to whom any Share shall be allotted, shall give Bond with Sureties before the said Judge of Probate, if Debts afterwards be made to appear, to refund and pay back to the Administrator, his or her rateable Part thereof, and of the Administrators Charges. The Widows Thirds or Dower in the real Estate, at the Expiration of her Term to be alike divided as aforesaid, saving to any Person aggrieved at any Order, Sentence or Decree made for the Settlement and Distribution of any Intestate Estate, their Right of Appeal unto the Governour and Council; every Person so appealing, giving Security to prosecute the Appeal with Effect.

Right of Appeal saved. See Explanatory Act 4 *W. & M.* ca. 20.

Executors to cause Probate of Wills to be made in thirty Days next after the Testators Death.

Be it further Enacted by the Authority aforesaid, That if any Executor or Executors of the Will of any Person deceased, knowing of their being so named and appointed, shall not within the space of thirty Days next after the Decease of the Testator, cause such Will to be Proved, and Recorded in the Register's Office of the same County where the deceased Person last dwelt; or present the said Will, and declare his or their refusal of the Executorship: every Executor so neglecting of his or her Trust and Duty in that Behalf, (without just Excuse made and accepted for such Delay) shall forfeit the Sum of *five Pounds* per Month, from and after the Expiration of the said thirty Days, until he or they shall cause Probate of such Will to be made, or present the same as aforesaid: Every such Forfeiture to be had and recovered by Action or Information, in the Inferiour Court of Pleas, in the same County; and to be disposed of, one Moiety thereof to the Use of the Poor of the Town, where the deceased Person last dwelt; and the other Moiety to him or them that shall inform and sue for the same.

Penalty for Neglect.

Upon refusal, Administration to be committed *Cum Testamento annexo*.

And upon any such refusal of the Executor, or Executors, the Judge shall commit Administration of the Estate of the Deceased, *Cum Testamento annexo*, unto the Widow or next of Kin to the Deceased, and upon their refusal, to one or more of the principal Creditors, as he shall think fit.

Executors by wrong.

And if any Person or Persons shall alienate or embezel any of the Goods or Chattels of any Person deceased, before he or they have taken out Letters of Administration, and exhibited a true Inventory of all the known Estate of the Party deceased; every Person or Persons so acting, shall stand chargeable, and be

be liable to the Actions of the Creditors, and other Persons grieved, as being Executors in their own wrong. And the Judge shall cause a Citation to be made out unto the Widow, or next of Kin; and upon their neglect of Appearance or refusal, may commit Administration of any such Estate, to some one or more of the chief Creditors, if accepted by them, or others, as he shall think fit, upon their refusal.

CHAP. III.

An Act for Prevention of Frauds and Perjuries.

Act of Parliament, 29, Car 2 c. 3.

FOR Prevention of many fraudulent Practices which are commonly endeavoured to be upheld by Perjury, and Subornation of Perjury:

Be it enacted and ordained by the Governour, Council and Representatives convened in General Court, and by the Authority of the same, That from and after the last Day of *December* in this present Year one Thousand six Hundred ninety and two: All Leases, Estates, Interests of Freehold, or Term of Years, or any uncertain Interest of, in, or out of any Messuages, Lands, Tenements, or Hereditaments, made or created by Livery and Seisin only, or by Parole, and not put in writing and signed by the Parties, so making or creating of the same, or their Agents thereunto lawfully authorized by writing, shall have the Force and Effect of Leases, or Estates at Will only, and shall not either in Law or Equity be deemed or taken to have any other or greater Force or Effect; any Consideration for making any such Parole Leases or Estates, or any former Law or Usage to the contrary notwithstanding.

Parole Leases and Interest of Freehold shall have the Force of Estates at Will only.

Except nevertheless, All Leases not exceeding the Term of three Years from the making thereof, whereupon the Rent reserved to the Landlord, during such Term shall amount unto two third Parts at the least of the full improved Value of the Thing demised.

Except Leases not exceeding three Years, &c.

And moreover, That no Leases, Estates or Interests, either of Freehold, or Term of Years, or any uncertain Interest of, in, to or out of any Messuages, Lands, Tenements or Hereditaments, shall at any time after the said last Day of *December*, be assigned, granted or surrendred, unless it be by Deed or Note in writing, signed by the Party so assigning, granting or surrendering the same, or their Agents thereunto lawfully authorized by Writing, or by Act and Operation of Law.

No Leases or Estates of Freehold to be granted or surrended by Word.

And be it further enacted by the Authority aforesaid, That from and after the said last Day of *December*, no Action shall be brought whereby to charge any Executor or Administrator upon any special Promise to answer Damages out of his own Estate, (2) or whereby to charge the Defendant upon any special Promise to answer for the Debt, Default or Miscarriages of another Person, (3) or to charge any Person upon any Agreement made upon Consideration of Marriage, (4) or upon any Contract or Sale of Lands, Tenements or Hereditaments, or any Interest in, or concerning them; (5) or upon any Agreement that is not to be performed within the Space of one Year from the making thereof; (6) unless the Agreement upon which such Action shall be brought, or some Memorandum or Note thereof shall be in Writing, and signed by the Party to be charged therewith, or some other Person thereunto by him lawfully authorized.

Promises and Agreement by Parole.

And

Deviſes of Lands to be in Writing & atteſted by three or four Witneſſes.

And be it further enacted by the Authority aforeſaid, That from and after the ſaid laſt Day of *December*, all Deviſes and Bequeſts of any Lands or Tenements, ſhall be in Writing, and ſigned by the Party ſo deviſing the ſame, or by ſome other Perſon in his Preſence, and by his expreſs Direction, and ſhall be atteſted and ſubſcribed in the Preſence of the ſaid Deviſor, by three or four credible Witneſſes, or elſe ſhall be utterly void and of none Effect.

How the ſame ſhall be revocable.

And moreover, No Deviſe in Writing of Lands, Tenements or Hereditaments, or any Clauſe thereof, ſhall at any time after the ſaid laſt Day of *December*, be revocable, otherwiſe than by ſome other Will or Codicil in Writing, or other Writing declaring the ſame, or by burning, cancelling, tearing, or obliterating the ſame by the Teſtator himſelf, or in his Preſence, and by his Direction and Conſent; (2) But all Deviſes and Bequeſts of Lands and Tenements ſhall remain and continue in full Force, until the ſame be burnt, cancelled, torn or obliterated by the Teſtator, or his Direction in manner aforeſaid, or unleſs the ſame be altered by ſome other Will or Codicil in Writing, or other Writing of the Deviſor, ſigned in the Preſence of three or four Witneſſes, declaring the ſame: any former Law or Uſage to the contrary notwithſtanding.

All Declarations or Creations of Truſt to be in Writing.

And be it further enacted by the Authority aforeſaid, That from and after the ſaid laſt Day of *December*, all Declarations or Creations of Truſts, or Confidences of any Lands, Tenements or Hereditaments, ſhall be manifeſted and proved by ſome Writing, ſigned by the Party who is by Law enabled to declare ſuch Truſt, or by his laſt Will in Writing, or elſe they ſhall be utterly void and of none Effect.

Truſts ariſing, transferred or extinguiſhed by Implication of Law excepted.

Provided always, That where any Conveyance ſhall be made of any Lands or Tenements, by which a Truſt or Confidence ſhall or may ariſe or reſult by the Implication or Conſtruction of Law, or be transferred or extinguiſhed by an Act or Operation of Law, then, and in every ſuch Caſe, ſuch Truſt or Confidence ſhall be of the like Force and Effect as the ſame would have been if this Act had not been made; any thing herein before contained to the contrary notwithſtanding.

Aſſignments of Truſt ſhall be in Writing

And be it further enacted, That all Grants and Aſſignments of any Truſt or Confidence, ſhall likewiſe be in Writing, ſigned by the Party, granting or aſſigning the ſame by ſuch laſt Will or Deviſe, or elſe ſhall be utterly void and of none Effect.

Contract for Sale of Goods for Ten Pounds or more.

And be it further enacted by the Authority aforeſaid, That from and after the ſaid laſt Day of *December*, No Contract for the Sale of any Goods, Wares and Merchandizes, for the Price of *Ten Pounds*, or upwards, ſhall be allowed to be good, except the Buyer ſhall accept Part of the Goods ſo Sold, and actually receive the ſame, or give ſomething in Earneſt to bind the Bargain, or in Part of Payment, or that ſome Note or Memorandum in Writing of the ſaid Bargain, be made and ſigned by the Parties to be charged by ſuch Contract, or their Agents thereunto lawfully authorized.

And for Prevention of fraudulent Practices, in ſetting up nuncupative Wills, which have been the Occaſion of much Perjury:

Nuncupative Will not to be good for above the value of Thirty Pounds, that is not proved by the Oaths of three Witneſſes.

Be it enacted by the Authority aforeſaid, That from and after the aforeſaid laſt Day of *December*, No nuncupative Will ſhall be good, where the Eſtate thereby bequeathed, ſhall exceed the Value of *Thirty Pounds*, that is not proved by the Oaths of three Witneſſes, (at the leaſt) that were preſent at the making thereof, nor unleſs it be proved that the Teſtator at the time of pronouncing the ſame, did bid the Perſons preſent, or ſome of them bear Witneſs, that ſuch was his Will, or to that Effect; nor unleſs ſuch nuncupative Will were made in the time of the laſt Sickneſs of the deceaſed, and in the Houſe of his or their Habitation or Dwelling, or where he or ſhe hath been Reſident, for

for the Space of ten Days or more, next before the making of such Will, except where such Person was surprized or taken sick being from his own Home, and died before he returned to the Place of his or her Dwelling.

No Testimony to be received to prove such Will after six Months, Except, &c.

And be it further enacted, That after six Months passed after the speaking of the pretended testamentary Words, no Testimony shall be received to prove any Will nuncupative, except the said Testimony, or the Substance thereof were committed to writing within six Days after the making of the said Will.

Probate of Nuncupative Wills.

And be it further enacted, That no Letters Testamentary, or Probate of any nuncupative Will, shall pass the Seal of any Court, till fourteen Days at the least after the Decease of the Testator be fully expired, nor shall any nuncupative Will be at any time received to be proved, unless Process have first issued to call in the Widow, or next of Kindred to the Deceased, to the End they may contest the same, if they please.

No Written Will to be repealed but by Writing, except, &c.

And be it further enacted, That no Will in Writing, concerning any Goods or Chattels or personal Estate, shall be repealed; nor shall any Clause Devise or Bequest therein, be altered or changed by any Words, or Will by Word of Mouth only, except the same be in the Life of the Testator, committed to Writing, and read to the Testator, and allowed by him, and proved to be so done by three Witnesses at the least.

Soldiers and Mariners Wills excepted.

Provided always, That notwithstanding this Act, any Soldier being in actual Military Service, or any Mariner or Seamen being at Sea, may dispose of his Moveables, Wages, and personal Estate, as he or they might have done before the making of this Act.

CHAP. IV.

An Act for regulating the Assize of Cask, and preventing Deceit in packing of Fish, Beef, and Pork for Sale.

Assize of Cask.

BE it ordained and enacted by the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That from and after the first Day of *December* next, all Sorts and Kinds of tight Cask used for any Liquor, Fish, Beef, Pork, or any other Commodities, within this their Majesties Province, shall be of *London* Assize. *That is to say*, Butts to contain one Hundred and twenty six Gallons; Puncheons, eighty four Gallons; Hogsheads, sixty three Gallons; Tearses, forty two Gallons; Barrels, thirty one Gallons and an half: And made of sound well seasoned Timber, and free of Sap. And that fit Persons be appointed from time to time, in all Places needful, to view and gage all such Cask; and such as shall be found of due Assize shall be marked with the Gagers Mark; who shall have for his Pains, *four Pence per* Ton: And every Cooper shall set his distinct Brand Mark on his own Cask, on Penalty of *forty Shillings*. And whosoever shall put to Sale any new Cask, being defective either in Workmanship, Timber, or Assize, as aforesaid; upon Proof thereof made before one Justice of the Peace, he shall forfeit such Cask, and be fined the Sum of *ten Shillings*.

Gagers to be appointed.

Cask to be markt by the Gager; His fee.

Every Cooper to have a distinct brand Mark.

Defective Cask to be forfeited.

And be it further enacted by the Authority aforesaid, That the Justices of the Peace, at their first General Quarter Sessions, to be holden in each respective County within this Province, shall yearly, in every Town needful thereof, choose and appoint a fit Person or Persons, to be Gagers and Packers, and them to swear to the due Execution of their Office: which

Quarter Sessions to appoint Gagers & Packers, & swear them.

Penalty of refusal.

Ten Shillings Penalty for packing in any Cask under Assize.

any Person so appointed, shall refuse, he shall pay the Sum of *Forty Shillings*; and another shall be chosen and appointed in his stead. And every Gager and Packer shall take Care that all Cask in which he packs Beef, Pork, Mackarel, Fish, or other Goods committed to his Care, be of true and full Assize, and that he pack the same in no other Cask whatsoever; on Penalty of *ten Shillings* for every Cask by him packed, that is or shall be defective in that respect. And if any of the before mentioned Provisions shall be packed into half Barrels, or Firkins, the same shall be made in Proportion to the Assize aforesaid; and be marked by the Packer.

And for the preventing of Fraud and Deceit in the packing of pickled Fish, Beef and Pork to be put to Sale:

The whole half & quarter of Meat and not the best left out; Fish to be all of one Kind. Four Shillings per Ton for packing and sealing.

Be it further enacted by the Authority aforesaid, That in every Town, where such Goods are packt up for Sale, the Gager or Packer of such Town or of the Town wherein they are put to Sale, or shipped, shall see that it be well and orderly performed: *That is to say*, Beef and Pork the whole Half and Quarter, and so proportionably, that the best be not left out; and so Fish and Mackarel, that they be packed all of one Kind; and that all Casks so packed be full, and the Fish sound and well seasoned, setting his Seal on all Casks so packed, and he shall receive of the Owners for so packing, and sealing, *Four Shillings per* Ton. And if any such Provisions be put to Sale, or shipped off without the Packers Mark, they shall be forfeited.

Fish and Flesh for Transportation to be searched and repacked by the Packer.

And it is further enacted, That all Sorts of green or pickled Fish, Sturgeon, or Flesh that shall be put up for Transportation to a foreign Market, shall be searched, surveyed and approved by a Sworn Packer, who shall take strict Care that the same be put up in tight Cask of full Gage, salted with suitable Salt. And such as shall be so saved, and for its Condition found merchantable, and full, the Packer shall seal with such Brand Mark, as shall be assigned to the Town, and such other Cut-mark added, as may denote the sort of Provision, and time when packed. And all such other Provision as the Packer shall find wholsome and useful, though for its Quality it be not merchantable; he shall cause to be well packed, salted, filled, and sealed with the Letter R. and such other Letters as may signify the Town, Specie, and time of packing.

Penalty on Masters and Mariners taking any Provisions aboard unsealed

Penalty for shifting of Provisions after sealed.

And if any Master of a Ship, or other Vessel, or any Officers, or Mariners, belonging thereto shall receive such Provisions not marked and sealed as aforesaid, aboard any of their Ships or Vessels, he or they who shall offend therein, shall forfeit double the Value of all such Provisions; and he that owns the Provisions shall forfeit the same. And if any Cooper, or other Person shall shift any Fish or Flesh, either on Board, or on Shore, after the same hath been so sealed and marked by the Packer, and ship and export the same, the Packer having not allowed thereof, and a new sealed and marked the Cask whereinto such Provisions are shifted: All Persons acting, ordering or assisting therein, shall be set in the Pillory, not exceeding one Hour, and shall likewise pay double Damages to Persons wronged thereby.

Provisions that have laid three Months packt in the Summer, to be reviewed.

And it is further enacted by the Authority aforesaid, That where any such Provisions have lain above three Months under the Packers Mark, betwixt the Months of *May* and *October*, they shall again, upon Exportation or Sale, be viewed or searched by the Packer, *That is to say*, so many of them as may probably discover the Condition of the whole; and if any be decayed or deceitfully dealt with, the Packer shall cull and repack the same, so as to distinguish and mark them for merchantable, or refuse, according to their Condition. And if those who ship or export any such Provision, shall neglect or refuse such second Search or Survey, the Packer is hereby ordered and impowred to deface his former Mark, and for so doing, shall be paid as if he had repackt the same. And if the Owner refuse to satisfy the Packer, such Packer shall have Redress on Complaint to any Justice of the Peace; who is hereby impowred to compel the Payment thereof by Distress.

And

And it is further enacted by the Authority aforesaid, That all Tarr that shall be exposed to Sale within this Province, shall be in Barrels, half Barrels, and thirds of a Barrel of the Measure and Assize following: *That is to say*, The Barrel to contain thirty Gallons, the half Barrel and third of a Barrel, of the same Gage proportionably, and in no other Cask whatsoever. And all Cask to be made of the same Assize, and branded by the Cooper as aforesaid; on pain of Forfeiture of all such Cask as are not of due Assize. And if any Tar shall be exposed to Sale in any Cask not branded as aforesaid, the same shall be likewise forfeited. Assize of Cask for Tarr.

4 *A.* ca. 1.

7 *A.* ca. 6.

And further it is enacted by the Authority aforesaid, That all Fines Penalties and Forfeitures arising by force and Virtue of this Act shall be the one half to their Majesties, towards the Support of the Government of this Province; and the other half to him or them that shall inform and sue for the same in any of their Majesties Courts of Record within this Province. One half of the Fines and Forfeitures to be unto their Majesties, and the other half to the Informer.

Be it further enacted by the Authority aforesaid, That there be a Measurer of Salt and Culler of Fish in every Sea-Port Town within this Province to be appointed as aforesaid, who being likewise Sworn for the faithful Discharge of that Office, shall cull all merchantable Fish, and Measure all Salt that shall be imported and sold out of any Ship or other Vessel, and shall have *three half Pence* for every Hogshead of Salt by him so measured, to be paid, the one half by the Buyer, the other half by the Seller. And *One Penny* per Quintal, for ever Quintal of merchantable Fish by him culled, to be paid, one half by the Buyer, and the other half by the Seller. Measurer of Salt, & Culler of Fish.

9 *G.* ca. 7.

CHAP. V.

An Act for the punishing of Criminal Offenders.

Be it enacted and ordained by the Governour, Council and Representatives in General Court assembled, and by the authority of the same, That if any Person or Persons shall profanely Swear or Curse in the hearing of any Justice of the Peace, or shall be thereof convicted by the Oaths of two Witnesses, or Confession of the Party, before any Justice or Justices of the Peace: Every such Offender shall forfeit and pay unto the Use of the Poor of the Town, where the Offence shall be committed, the Sum of *Five Shillings*. And if the Offender be not able to pay the said Sum, then to be set in the Stocks, not exceeding two Hours. And if any Person shall utter more profane Oaths or Curses at the same time, and in hearing of the same Person or Persons, he shall forfeit and pay to the Use aforesaid the Sum of *Twelve Pence* for every Oath or Curse after the first; or be set in the Stocks three Hours. Cursing and swearing.

5. *W.* and *M.* ca. 5.

Presumption.

Provided, That every Offence against this Law shall be complained of and proved as aforesaid, within thirty Days next after the Offence committed.

Further it is enacted by the Authority aforesaid, That every Person convicted of Drunkenness by view of any Justice of Peace; Confession of the Party, or Oaths of two Witnesses; such Person so convicted, shall forfeit and pay unto the Use of the Poor of the Town where such Offence is committed, the Sum of *Five Shillings* for every such Offence: And if the Offender be unable to pay the said Sum, to be set in the Stocks, not exceeding three Hours; at the Discretion of the Justice or Justices, before whom the Conviction shall be. And upon a second Conviction of Drunkenness, every such Offender, over and above the Penalty aforesaid, shall be bound with two Sureties in the Sum Drunkenness.

of *Ten Pounds*, with Condition for the good Behaviour: And for want of such Sureties, shall be sent to the common Goal, until he find the same.

Provided, That no Person shall be impeached or molested for any Offence against this Act, unless he shall be thereof presented, indicted or convicted within six Months after the Offence committed. And the Justice or Justices before whom Conviction of any of the aforesaid Offences shall be, are hereby impowred and authorized to restrain or commit the Offender, until the Fine imposed for such Offence, be satisfied; or to cause the same to be levied by Distress, and Sale of the Offenders Goods, by Warrant directed to the Constable; returning the over-plus (if any be.) All such Fines to be levied within one Week next after such Conviction, and delivered to the Select-Men, or Overseers of the Poor, for the Use of the Poor as aforesaid.

Theft. **It is further enacted and ordained by the Authority aforesaid,** That whosoever shall Steal or Purloin any Money, Goods or Chattels, being thereof convicted, by Confession, or sufficient Witness upon Oath: Every such Offender, shall forfeit treble the Value of the Money, Goods or Chattels so stolen or purloined, unto the Owner or Owners thereof; and be further punished, by Fine or Whipping; at the Discretion of the Court or Justices that have Cognizance of such Offence; not exceeding the Sum of *Five Pounds*, or twenty Stripes. And if any such Offender be unable to make Restitution, or pay such threefold Damages, such Offender shall be enjoyned to make Satisfaction by Service: And the Prosecutor shall be, and hereby is impowred to dispose of the said Offender in Service to any of their Majesties Subjects, for such Term as shall be assigned by the Court or Justices before whom the Prosecution was. And every Justice of Peace in the County where such Offence is committed, or where the Thief shall be apprehended, is hereby Authorized to hear and determine all Offences against this Law. *Provided*, That the Damage exceed not the Sum of *Forty Shillings*.

Burglary and Robbery. 1 *G.* ca. 3. And if any Person shall commit Burglary, by breaking up any Dwelling-House, Ware-House, Shop, Mill, Malt-House, Barn, Out-House, or any Ship or other Vessel lying within the Body of the County; or shall rob any Person in the Field or Highways: Every Person so offending, shall upon Conviction be branded on the Forehead with the Letter B. And upon a second Conviction, shall be set upon the Gallows for the Space of one Hour, with a Rope about his Neck, and one End thereof cast over the Gallows; and be severely whipt, not exceeding thirty nine Stripes: And upon a third Conviction of the like Offence, shall suffer the Pains of Death, as being incorrigible; and shall likewise upon the first and second Convictions, pay treble Damages to the Party injured, as is provided in case of Theft.

Fornication. **And it is further enacted by the Authority aforesaid,** That if any Man commit Fornication with any single Woman; upon due Conviction thereof, they shall be fined unto their Majesties, not exceeding the Sum of *Five Pounds*; or be corporally punished by Whipping, not exceeding ten Stripes a Piece, at the Discretion of the Sessions of the Peace, who shall have Cognizance of the Offence.

Reputed Father of a Bastard. And he that is accused by any Woman, to be the Father of a Bastard Child begotten of her Body; she continuing constant in such Accusation, being examined upon Oath, and put upon the Discovery of the Truth in the time of her travail; shall be adjudged the reputed Father of such Child, notwithstanding his Denial; and stand charged with the Maintenance thereof, with the Assistance of the Mother; as the Justices in the Quarter Sessions shall Order; and give Security to perform the said Order, and to save the Town or Place where such Child is Born, free from Charge for its Maintenance; and may be committed to Prison, until he find Sureties for the same: Unless the Pleas and Proofs made and produced on the behalf of the Man accused, and other Circumstances be such as the Justices shall see Reason to judge him innocent, and acquit him thereof, and otherwise dispose of the Child.

And

And every Justice of the Peace upon his Discretion, may bind to the next Quarter Sessions, him that is charged or suspected, to have begotten a Bastard Child: And if the Woman be not then delivered, the Sessions may order the Continuance or Renewal of his Bond, that he may be forth coming when the Child is born.

Further it is enacted by the Authority aforesaid, That every Justice of the Peace in the County where the Offence is committed, may Cause to be staid and arrested all Affrayers, Rioters, Disturbers or Breakers of the Peace, and such as shall ride, or go armed offensively before any of their Majesties Justices, or other their Officers or Ministers doing their Office, or elsewhere, by Night or by Day, in Fear or Affray of their Majesties Liege People; and such others as shall utter any Menaces or threatning Speeches: And upon View of such Justice or Justices, Confession of the Party, or other legal Conviction of any such Offence, shall commit the Offender to Prison, until he find Sureties for the Peace and good Behaviour; and seize and take away his Armour or Weapons, and shall cause them to be apprized and answered to the King as forfeited: And may further punish the Breach of the Peace in any Person that shall smite or strike another, by Fine to the King, not exceeding *Twenty Shillings*; and require Bond with Sureties for the Peace; or bind the Offender over to answer it at the next Sessions of the Peace, as the Nature or Circumstance of the Offence may be; and may make Enquiry of forcible entry and detainer, and cause the same to be removed; and make out Hue and Cries after Runaway Servants, Thieves and other Criminals.

Power of the Justice of Peace.

Breach of the Peace.

Forcible Entry & Detainer.

12 & 13 *W.* ca. 1.

And it is further enacted by the Authority aforesaid, That if any Person or Persons of the Age of Discretion (which is accounted fourteen Years, or upwards) shall wittingly and willingly make or publish any Lye or Libel, tending to the Defamation or Damage of any particular Person; make or spread any false News or Reports, with Intent to abuse and deceive others: Every such Person or Persons offending in any of the Particulars before-mentioned, and being duly convicted thereof, before one or more Justices of the Peace, shall be fined according to the Degree of such Offence; not exceeding the Sum of *Twenty Shillings* for the first Conviction, and find Sureties for the good Behaviour. And if the Party be unable to pay the said Fine, then to be set in the Stocks, not exceeding three Hours; or be corporally punished by Whipping, at the Discretion of the Justice or Justices, before whom the Conviction shall be; according as the Circumstances or Nature of the Offence shall be. And the said Justice or Justices may restrain and commit the Offender, until he pay the said Fine, and find Sureties for the good Behaviour; or may cause the Fine to be levied by Distress and Sale of the Offenders Goods. And the Party or Parties grieved or injured by Reason of any of the Offences aforesaid; shall or may take his or their Suit against any such Offender or Offenders in any Court of Record.

Lying and Libelling.

It is further enacted by the Authority aforesaid, That if any Person or Persons upon his or their own Head or Imagination, or by false Conspiracy and Fraud with others shall wittingly, subtilly and falsely forge or make; or subtilly Cause, or wittingly Assent to be forged or made any false Deed, Conveyance or Writing sealed, or the Will of any Person or Persons in Writing, to the Intent that the State of Freehold or Inheritance, Right, Title or Interest of any Person or Persons of, in, or to any Lands, Tenements or Hereditaments shall or may be molested, troubled, defeated, recovered or charged; or shall as is aforesaid, forge, make, or cause, or assent to be made, or forged, any Obligation, or Bill Obligatory, Letter of Attorney, or any Acquittance, Release, or other Discharge of any Debt, Accompt, Action, Suit, Demand, or other Thing personal; Or if any Person or Persons shall pronounce, publish, or shew forth in Evidence, any such false and forged Deed, Conveyance, Writing, Obligation, Bill Obligatory, Letter of Attorney, Acquittance, Release or Discharge, as true, knowing the same to be false and forged, as is aforesaid, to the intent above

Forgery.

5 *Eliz.* ca. 14. Act of Parliament.

above remembred; and shall be thereof convicted, either upon Action or Actions of Forger of false Deeds, to be founded upon this Act at the Suit of the Party grieved, or otherwise according to the Order and due Course of Law, or up on Bill or Information. That then every such Offender shall pay unto the Party grieved his double Costs and Damages, to be found and assessed in such Court where the said Conviction shall be; and also shall be set upon the Pillory in some Market Town, or other open Place, and there to have one of his Ears cut off; and also shall have and suffer Imprisonment by the Space of one whole Year, without Bail or Mainprize. And the Party or Parties grieved by Reason of any of the Offences aforesaid, may take his or their Suit against any such Offender or Offenders, in any Court of Record; where no Essoign, Injunction or Protection shall be allowed the party Defendant.

Provided always, and it is enacted by the Authority aforesaid, That this Act or any Thing therein contained, shall not extend to charge any Judge of Probate, or Register, with any the Offences aforesaid, for putting their Seal of Office to any Will to be exhibited unto them, not knowing the same to be false or forged, for writing of the said Will or Probate of the same; Nor to any other Person or Persons that shall shew forth or give in Evidence any false or forged Writing for true or good, being not party or privy to the forging of the same, nor knowing the same to be false or forged, any Thing in this Act to the contrary notwithstanding.

Wilful Perjury.

And it is further enacted and ordained by the Authority aforesaid, If any Person or Persons, either by the Subornation, unlawful Procurement, Reward, sinister Persuasion, or Means of any other; or by their own Act, Consent or Agreement, shall wilfully and corruptly commit any Manner of wilful Perjury by his or their Deposition in any Court of Record, or being examined, *Ad perpetuam rei memoriam*, That then every Person and Persons so offending, and being thereof duly convict, or attainted by Law, shall for his or their Offence lose and forfeit *Twenty Pounds*; the one Moiety thereof unto their Majesties, and the other Moiety to such Person or Persons as shall be grieved, hindred or molested by Reason of any such Offence, that shall sue for the same by Action of Debt, Bill, Plaint, Information, or otherwise in any Court of Record; in the which no Wager of Law, Essoign, Protection, or Injunction to be allowed: And also to have Imprisonment by the Space of six Months, without Bail or Mainprize. And the Oath of such Person or Persons so offending, not to be received in any Court of Record, until such time as the Judgment given against the said Person or Persons, shall be reversed by attaint or otherwise; and upon every such reversal, the Parties aggrieved to recover his or their Damages against all and every such Person and Persons, as did procure the said Judgment so reversed, to be given against them or any of them, by Action, or Actions, upon his or their Case or Cases; according to the Course of the common Law.

And if it happen the said Offender or Offenders, so offending, not to have any Goods or Chattels, to the Value of *Twenty Pounds*, that then he or they be set on the Pillory by the Space of one whole Hour, in some Market Town where the Offence was committed, or next adjoining to the Place where the Offence was committed, and to have both his Ears nailed; and from thenceforth to be discredited and disabled for ever to be Sworn in any Court of Record, until such time as the Judgment shall be reversed.

And all and every Person and Persons who shall unlawfully and corruptly procure any Witness or Witnesses, by Letters, Rewards, Promises, or by any other sinister and unlawful Labour or Means whatsoever; to commit any wilful and corrupt Perjury, in any Matter or Cause whatsoever depending; or that shall depend in Suit and Variance by any Writ, Action, Bill, Complaint or Information in any Court of Record; or to testify in *Perpetuam rei memoriam*: Every such Offender, being thereof duly convict or attainted by Law, shall for his or their Offence be proceeded against, and suffer the like Pains, Penalties, Forfeitures, and Disability in all Respects as above-mentioned.

And

And it is further enacted by the Authority aforesaid, That all the aforesaid Forfeitures and Sums of Money arising for any Offence mentioned in this Act, and every Branch thereof, and not otherwise disposed of; shall be unto their Majesties, for and towards the Support of the Government of this Province, and the incident Charges thereof.

CHAP. VI.

An Act for the suppressing of unlicensed Houses, and the due Regulation of such as are, or shall be licensed.

BE it ordained and enacted by the Governour, Council and Representatives convened in General Court, and by the authority of the same, That no Person or Persons whatsoever (other than such as upon producing Certificate from the Select Men of the Town where they dwell, or who shall be otherwise thought fit by the Justices themselves, shall be licensed by the said Justices in Quarter Sessions) may presume to be a common Victualler, Innholder, Taverner, or Seller of Wine, Beer, Ale, Cyder, or strong Liquors by retail: Nor shall any presume without such Licence, to sell Wine or strong Liquors privately by a less Quantity than a Quarter Cask, and that delivered and carried away all at one Time: On Pain of forfeiting the Sum of *Forty Shillings* for every such Offence, upon due Conviction thereof; one Half thereof to the Informer, and the other half to the Use of the Poor of the Town where such Offence is committed. And upon a second Conviction, besides the Forfeiture of *Forty Shillings* as aforesaid, shall enter into Recognizance with one or more Sureties, for the good Behaviour, especially not to transgress the Law in that Respect.

None to keep a House of common Entertainment, or sell strong Drink publickly or privately without License, on Penalty of 40 s.

One Half to the Informer, and the other to the Use of the Poor.

7 *W.* ca. 2 & 10 11 *A.* ca. 1. 7 *G.* ca 12.

Upon second Conviction, to give Bond for the good behaviour.

Be it further enacted by the Authority aforesaid, That all Licences be renewed yearly, and Bond given for the due Observance of the same, and of the Laws; and that the Person licensed shall use his Licence in such Houses as shall be therein named, and no other.

Licences to be renewed yearly and Bond given.

And if the Justices in Quarter Sessions shall think fit to Licence any Person or Persons not presenting a Certificate as aforesaid from the Select-Men, the Clerk of the Sessions, before granting License to any such, shall signify the Name and Desire of every such Person unto the Select-Men of the Town where such Person dwells, one Month before hand, that so they may have Opportunity and Liberty to offer their Objections against it, if any such be.

Justices may grant License without Certificate of the Select-Men upon Notice given.

And forasmach as the ancient, true and principal Use of Inns, Taverns, Ale-Houses, Victualling Houses, and other Houses, for common Entertainment, is for Receipt, Relief and Lodging of Travellers and Strangers, and the Refreshment of Persons upon lawful Business; or for the necessary Supply of the Wants of such Poor Persons as are not able by greater Quantities to make their Provision of Victuals: and are not intended for Entertainment and Harbouring of lewd or idle People to spend or consume their Money or Time there. Therefore to prevent the Mischiefs and great Disorders happening daily by the abuse of such Houses:

10 *W.* ca. 8. Games and Gaming forbidden in public Houses on Pain of 40 s.

It is further enacted by the Authority aforesaid, That no Taverner, Innkeeper, Ale-House keeper or Victualler, shall have or keep in or about their Houses, Out-Houses, Yards, Backsides, Gardens or Places to them belonging, any Dice, Cards, Tables, Bowls, Shuffle-board, Billiards, Coyts, Cales, Logats, or any other Implements used in gaming; nor shall suffer any Person or Persons resorting unto any of their Houses, to use or exercise any of the said Games,

Penalty on Gamesters.

Games, or any other unlawful Game or Sport within their said Houſes, or any of the Dependences as aforeſaid, or Places to them belonging; On pain of forfeiting the Sum of *Forty Shillings* for every ſuch Offence, upon due Conviction thereof; the ſaid Fine to be diſpoſed of as aforeſaid. And every Perſon convicted of playing as aforeſaid in any ſuch Houſe or Dependences thereof, ſhall forfeit the Sum of *Six Shillings* and *Eight Pence*, to be diſpoſed of as aforeſaid.

5 *W.* & *M.* c. 5.

Penalty for refuſing to give Evidence againſt Perſons ſelling without Licence.

And further it is enacted by the Authority aforeſaid, That any Perſon duly ſummoned to give in Evidence reſpecting the Breach of this Act, in any of the Branches thereof, (other than the Party himſelf, his Children or Servants) that ſhall refuſe to give in upon his Oath, when ſo required, what he knows relating to the Premiſſes, ſhall forfeit *Forty Shillings* to the Uſe of the Poor of the Town as aforeſaid.

Act for Suppreſſing of Drunkenneſs. 7 *W.* ca. 2. & 10 And Act for the inſpecting and ſuppreſſing Diſorders in Licenſed Houſes. 10 *W.* ca. 8.

And it is further enacted by the Authority aforeſaid, That every Juſtice of the Peace in the County where he dwells, as well as the Juſtices in Quarter Seſſions, are hereby reſpectively impowred to hear and determine all Offences againſt this Act, and may commit the Offender to Priſon, until he pay the ſaid Fine, and enter into Recognizance as aforeſaid for the good Behaviour; or may cauſe the Fine to be levied by Diſtreſs and Sale of the Offenders Goods, returning the Overplus, if any be.

CHAP. VII.

An Act for the better Obſervation and Keeping the Lord's-Day.

Be it enacted and ordained by the Governour, Council and Repreſentatives convened in General Court or Aſſembly, and it is enacted by the Authority of the ſame, That all and every Perſon and Perſons whatſoever, ſhall on that Day carefully apply themſelves to Duties of Religion and Piety, publickly and privately; and that no Tradeſman, Artificer, Labourer or other Perſon whatſoever, ſhall upon the Land or Water, do or exerciſe any Labour, Buſineſs or Work of their Ordinary Callings; nor uſe any Game, Sport, Play or Recreation on the Lord's Day, or any Part thereof; (Works of Neceſſity and Charity only excepted) upon pain that every Perſon ſo offending ſhall forfeit *Five Shillings*.

Labour and Sports prohibited on Penalty of five Shillings. 3 *G.* ca. 1.

Further it is ordered and declared, That no Traveller, Drover, Horſe-Courſer, Waggoner, Butcher, Higler, or any their Servants, ſhall travel on that Day, or any Part thereof, except by ſome Adverſity they were belated and forced to lodge in the Woods, Wilderneſs or High-ways, the Night before; and in ſuch caſe, to travel no further than the next Inn or Place of Shelter, on that Day; upon the Penalty of *Twenty Shillings*.

Travelling prohibited on Penalty of twenty Shillings.

Further it is ordered, That no Vintner, Innholder, or other Perſon keeping any publick Houſe of Entertainment, ſhall entertain or ſuffer any of the Inhabitants of the reſpective Towns where they dwell, or others not being Strangers, or Lodgers in ſuch Houſes, to abide or remain in their Houſes, Yards, Orchards, or Fields drinking, or idly ſpending their Time on Saturday Night after the Sun is ſet, or on the Lord's Day, or the Evening following; upon the Pain and Penalty of *Five Shillings* for every Perſon, payable by themſelves reſpectively, that ſhall be found ſo drinking or abiding in any ſuch publick Houſe or Dependences thereof as aforeſaid; and the like Sum of *Five Shillings* to be paid by the Keeper of ſuch Houſe, for every Perſon entertained by them.

Public Houſes not to entertain any others than Strangers and Lodgers, on Penalty of five Shillings for every Perſon. 10 *W.* ca. 8.

And

And for the better Execution of all and every the foregoing Orders, every Juſtice of the Peace within his County ſhall have Power and Authority to convent before him, any Perſon or Perſons, who ſhall offend in any of the particulars before mentioned, and upon his own View, or other legal Conviction of any ſuch Offence, to impoſe the Fine and Penalty for the ſame, and to reſtrain or commit the Offender until it be ſatisfied; or to cauſe the ſame to be levied by Diſtreſs and Sale of the Offenders Goods, returning the over-plus (if any be) and in caſe any ſuch Offender be unable or refuſe to ſatisfy ſuch Fine, to cauſe him to be put in the Cage, or ſet in the Stocks, not exceeding three Hours: All Fines and Penalties accruing by this Act, to be to the Benefit and Relief of the Poor of ſuch Town where the Offence is committed; and delivered into the Hands of the Select-Men or Overſeers of the Poor for that End.

One Juſtice of the Peace may hear and determine any breach of this Act.

Fines for breach of this Act to be to the Uſe of the Poor.

And all Maſters and Governours of Families are hereby required to take effectual Care that their Children, Servants and others under their immediate Government, do not tranſgreſs in any of the foregoing Particulars.

And all and every Juſtices of the Peace, Conſtables and Tythingmen, are required to take effectual Care, and endeavour that this Act in all the Particulars thereof be duly obſerved; as alſo to reſtrain all Perſons from ſwimming in the Water, unneceſſary and unſeaſonable walking in the Streets or Fields in the Town of *Boſton*, or other Places, keeping open their Shops, or following their ſecular Occaſions or Recreations in the Evening preceeding the Lord's Day, or any Part of the ſaid Day or Evening following.

Juſtices, Conſtables, &c. required to ſee that this Act be obſerved.

And all Perſons are ſtrictly required to be obedient to, and aiding and aſſiſting ſuch Juſtices, Conſtables and other Officers herein, as they will anſwer the contrary at their Peril.

[*At a Great and General Court or Aſſembly for Her Majeſty's Province of the Maſſachuſetts-Bay in New-England, begun and held at* Boſton, *upon Wedneſday the thirty-firſt of May*, 1704. *The following Reſolves were drawn up and paſſed*, viz. *Whereas a Doubt or Queſtion has been moved upon the firſt Paragraph in the Act for the better Obſervation of the Lord's Day*; viz. *Whether the Penalty therein expreſſed extends to both Parts of the ſaid Paragraph?*

Reſolves about the Act for the better Obſervation of the Lord's Day.

Reſolved, That the ſaid Penalty or Fine of Five Shillings, *extends to both Parts of the ſaid Paragraph; and is ſo to be underſtood.*

Further reſolved, That by the Power of Reſtraint given by the latter Paragraph of the ſaid Act; ſuch Reſtraint is intended and to be underſtood of Impriſonment, not exceeding the ſpace of twelve Hours; by ſetting in the Cage or Stocks, not exceeding three Hours; upon any that ſhall preſumptuouſly and obſtinately offend in any of the Particulars or Articles therein enumerated, contrary to any Admonition given by any Juſtice of the Peace, Conſtable, Tythingman, or other Officer.]

CHAP. VIII.

An Act for prevention of common Nuſances ariſing by Slaughter-Houſes, Still-Houſes, &c. Tallow-Chandlers, and Curriers.

Additional Act 8 *W.* ca. 8. 7 *A.* ca. 2. 9. *A.* ca. 8.

BE it ordained and enacted by the Governour, Council and Repreſentatives, convened in General Court or Aſſembly, and by the Authority of the ſame, That the Select-Men of the Towns of *Boſton*, *Salem* and *Charleſtown* reſpectively, or other Market Towns in the Province, with two or more Juſtices of the Peace dwelling in the Town,

Slaughter-Houſes, Still-Houſes, &c. to be in certain Places aſſigned, and in no other.

or two of the next Juſtices in the County, ſhall at or before the laſt Day of *March*, one Thouſand ſix Hundred ninety three, aſſign ſome certain Places in each of the ſaid Towns (where it may be leaſt offenſive) for the erecting or ſetting up of Slaughter-Houſes, for the killing of all Meat; Still-Houſes, and Houſes for trying of Tallow, and currying of Leather, (which Houſes may be erected of Timber, the Law referring to Building with Brick or Stone notwithſtanding.) And ſhall cauſe an Entry to be made in the Town Book, of what Places ſhall be by them ſo aſſigned, and make known the ſame by Poſting it up in ſome public Places of the Town. At which Houſes and Places reſpectively, and no other, all Butchers and Slaughter-Men, Diſtillers, Chandlers and Curriers, ſhall exerciſe and practiſe their reſpective Trades and Myſteries; on Pain that any Butcher or Slaughter-Man tranſgreſſing of this Act by killing of Meat in any other Place, for every Conviction thereof, before one or more Juſtices of the Peace, ſhall forfeit and pay the Sum of *twenty Shillings*. And any Diſtiller, Chandler or Currier, offending againſt this Act, for every Conviction thereof before their Majeſties Juſtices at the General Seſſions of the Peace for the County, ſhall forfeit and pay the Sum of *Five Pounds*; one third Part of the ſaid Forfeitures to be to the Uſe of their Majeſties, for the Support of the Government of the Province, and the incident Charges thereof; one third to the Poor of the Town, where ſuch Offence ſhall be committed; and the other third to him or them that ſhall inform and ſue for the ſame.

And for preventing of Cruelty to Bruit Creatures:

Cruelty to Bruit Creatures forbidden.

It is further enacted by the Authority aforeſaid, That all Calves, Sheep, or Lambs brought alive to the Market, ſhall be either driven or carried in Carts, Sleds, Panniers or Boats, and not otherwiſe; on Pain of forfeiting of all Calves, Sheep or Lambs paſſing towards, or brought alive to the Market, laid acroſs, or hanging by the Sides of Horſes, (as has been uſual) or in any other way contrary to the true intent of this Act: One half of all ſuch Forfeitures to be unto the Informers, who ſhall ſeize and proſecute for the ſame; and the other Moiety to the Uſe of the Poor of the Town, where ſuch ſeizure ſhall be made, to be diſtributed by the Select-Men or Overſeers of the Poor.

Select Men, Conſtables, &c. Impowred to ſeize.

And all Select-Men, Overſeers of the Poor, Conſtables, Tything-Men and other Officers in any Town upon their own View, or Information of any Tranſgreſſion of this Act within their reſpective Precincts, ſhall and hereby are impowred to ſeize or cauſe to be ſeized all Calves, Sheep or Lambs that ſhall be carried or brought alive to the Market, in any other Way than is before directed. And upon due Proof thereof made before one or more Juſtices of the Peace, ſhall be forfeited, and the ſame or the Value thereof be diſpoſed of as aforeſaid.

Fleſh blown or winded to be forfeited.

And all Veal or other Meat expoſed to Sale, that ſhall be blown up or winded, ſhall be alike forfeited and diſpoſed of.

CHAP.

CHAP. IX.

An Act for the orderly consummating of Marriages.

BE it ordained and enacted by the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That every Justice of the Peace within the County where he resides, and every setled Minister in any Town, shall, and are hereby respectively impowred and authorized to solemnize Marriages, within their respective Towns and Counties, betwixt Persons that may lawfully enter into such a Relation, having the Consent of those whose immediate Care and Government they are under, and being likewise first published by asking their Banns at three several publick Meetings in both the Towns where such Parties respectively dwell; or by posting up their Names and Intentions at some publick Place in each of the said Towns, fairly written, there to stand by the space of fourteen Days; and producing Certificate of such Publishment under the Hand of the Town Clerk or Constable of such Towns respectively.

Justices or Ministers respectively to solemnize Marriages. 7 *W.* ca. 6. 3 *G.* ca. 4. Publishment how to be made.

And the Fee to be paid for every Marriage, shall be *three Shillings*; and for Publishment and Certificate thereof, *One Shilling*.

Fee for Marriage, &c. 3 *G.* ca. 4.

And be it further enacted, That whoever shall presume to deface or pull down any such Publishment, posted up in Writing, before the Expiration of the Time, shall be fined to the Use of the Poor of the Town, the Sum of *ten Shillings*, being convicted thereof, before one or more Justices of the Peace: And if the Party be unable to pay the said Fine, then to be set in the Stocks one whole Hour.

Penalty for pulling down Publishments.

And every Justice and Minister shall keep a particular Register of all Marriages solemnized before any of them, and make a return thereof at the End of each Quarter of a Year unto the Clerk of the Sessions of the Peace within the same County, to be by him registred; who is hereby impowred thereto, and shall be paid by every such Justice and Minister, *three Pence* for each Marriage so returned.

Marriages to be registred. See Act to prevent Incestuous Marriages 7 *W.* ca 6. 3 *G.* ca. 4. Divorce.

And it is further enacted by the Authority aforesaid, That all Controversies concerning Marriage and Divorce shall be heard and determined by the Governour and Council.

CHAP. X.

An Act for the Settlement and Support of Ministers and School-Masters.

BE it ordained and enacted by the Governour, Council and Representatives convened in General Court or Assembly, and by the Authority of the same, That the Inhabitants of each Town within this Province shall take due Care from time to time, to be constantly provided of an able, learned Orthodox Minister or Ministers, of good Conversation, to dispence the Word of God to them; which Minister or Ministers shall be suitably encouraged and sufficiently supported and maintained by the Inhabitants of such Town. And all Contracts, Agreements and Orders heretofore made, or that shall hereafter be made by the Inhabitants of any Town within this Province respecting their Ministers or School-Masters, as to their Settlement or Maintenance, shall remain good and valid according to the true

Contracts and Agreements to be made good.

Neglect of making suitable Provision for Ministers to be redressed by the Quarter Sessions.

intent thereof, the whole time for which they were or shall be made, in all the Particulars thereof, and shall accordingly be pursued, put in Execution and fulfilled. And where there is no Contract and Agreement made in any Town, respecting the Support and Maintenance of the Ministry; or when the same happens to be expired, and the Inhabitants of such Town shall neglect to make suitable Provision therein; upon Complaint thereof made unto the Quarter Sessions of the Peace for the County where such Town lies; the said Court of Quarter Sessions shall, and hereby are impowred to order a competent Allowance unto such Minister, according to the Estate and Ability of the Town: the same to be assessed upon the Inhabitants by Warrant from the Court, directed to the Select-Men, who are thereupon to proceed to make and proportion such Assessment in manner as is directed for other publick Charges, and to cause the same to be levied by the Constables of such Town, by Warrant under the Hands, of the Select-Men; or of the Town-Clerk by their Order.

The Court of Quarter Sessions to take Care that no Town be destitute of a Minister.

Be it further enacted by the Authority aforesaid, That where any Town shall be destitute of a Minister qualified as aforesaid, and shall so continue by the space of six Months, not having taken due Care for the procuring, settling and Encouragement of such Minister, the same being made to appear upon Complaint unto their Majesties Justices at the General Sessions of the Peace for the County, the said Court of Quarter Sessions shall, and hereby are impowred to make an Order upon every such defective Town, speedily to provide themselves of such Ministers as aforesaid, by the next Sessions at the furthest; and in case such Order be not complied with, then the said Court shall take effectual Care to procure and settle a Minister qualified as aforesaid, and order the Charge thereof, and of such Ministers Maintenance, to be levied on the Inhabitants of such Town.

Churches to enjoy their Privileges & Freedoms.

And it is further enacted by the Authority aforesaid, that the respective Churches in the several Towns within this Province, shall at all times hereafter, use, exercise and enjoy all their Privileges and Freedoms respecting divine Worship, Church Order and Discipline. And shall be encouraged in the peaceable and regular Profession and Practice thereof.

School for reading and writing.

Grammar School.

And be it further enacted by the Authority aforesaid, That every Town within this Province having the Number of fifty Housholders or upwards, shall be constantly provided of a School-Master to teach Children and Youth to read and write. And where any Town or Towns have the Number of one Hundred Families or Housholders, there shall also be a Grammar School set up in every such Town, and some discreet Person of good Conversation, well instructed in the Tongues procured to keep such School: Every such School-Master to be suitably encouraged and paid by the Inhabitants.

School Masters to be supported.

And the Select-Men and Inhabitants of such Towns respectively, shall take effectual Care, and make due Provision for the Settlement and Maintenance of such School-Master and Masters.

Penalty for Neglect. 13 *W.* ca. 20. 4 *G.* ca. 7.

And if any Town qualified as before express'd, shall neglect the due Observance of this Act, for the procuring and settling of any such School-Master as aforesaid, by the space of one Year: Every such defective Town shall incur the Penalty of *ten Pounds* for every Conviction of such Neglect, upon Complaint made unto their Majesties Justices in Quarter Sessions for the same County in which such defective Town lieth; which Penalty shall be towards the Support of such School or Schools within the same County, where there may be most need at the Discretion of the Justices in Quarter Sessions; to be levied by Warrant from the said Court of Sessions in Proportion upon the Inhabitants of such defective Town, as other publick Charges, and to be paid unto the Country Treasurer.

CHAP. XI.

An Act for the Settlement of the Bounds, and defraying of the public and necessary Charges arising within each respective County in this Province.

BE it ordained and enacted by the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That all Counties as they now lie, and are named, continue and remain distinct Counties to all Intents and Purposes in the Law whatsoever. And that there be a County Treasurer annually chosen for each respective County, being a Freeholder within the same; and to be chosen by the Votes of the Freeholders, and other Inhabitants of each respective Town, duly qualified as is provided by the Act for the Choice of Select-Men, and other Town Officers; and at the same time, such Votes to be given in writing, and sealed up by the Constable, by him to be kept and returned unto the next Quarter Sessions, to be held for said County, there to be opened and sorted by such as the Court shall appoint, in Presence of the Justices: and the Person having the Majority of the said Votes, shall be Treasurer of such County for that Year, and be Sworn before the said Court.

Counties to continue as formerly.

Choice of County Treasurer.

And for the due and equal raising of Monies for defraying of the Charges arising within each Respective County, for the necessary Repairs and Amendment of Bridges, Prisons, the Maintenance of poor Prisoners, and all other proper County Charges:

It is further enacted by the Authority aforesaid, That when and so often from time to time as there shall be need of raising Money for the Ends aforesaid, in any County, the Justices in Quarter Sessions for such County, receiving Information thereof from the County Treasurer, shall agree and determine the whole Sum to be raised, and each respective Towns Proportion of the same, as near as may be according to the Rule for raising of Money for the Province Charges, and shall issue forth their Order unto the Select-Men of the respective Towns to assess the same upon the Inhabitants of such Town, each one his Due and equal Proportion thereof according to the Rule before-mentioned, as near as may be, to be paid in Money, or equivalent thereto; and to make a distinct List of each Person's Name and Proportion under their Hands; and such List commit unto the Constable or Constables of such Town, with a Warrant signed by the Town Clerk, directed unto the said Constable or Constables to levy and collect the said Assessment, of each one his respective Proportion: And to pay in their said Collections unto the County Treasurer, or his Order, within the time set for the same: And to make Distress upon every Person neglecting or refusing to make Payment: And in default of Goods or Chattels whereon to make Distress, to commit the Party to the common Goal of the County until he make Payment, or otherwise be released by the Justices in Quarter Sessions. And if any Person or Persons think themselves over rated in any such Assessment, they shall be eased by the Assessors, making the same to appear; or in default thereof, by the Court of Quarter Sessions.

County Charges how to be defrayed.

And further it is enacted, That all Monies so collected, be improved and imployed for the Ends within mentioned, as the Court of Quarter Sessions shall from time to time by their Order in Writing, direct and appoint. And the County Treasurer in each respective County, shall Accompt unto the Court of Quarter Sessions, or whom they shall appoint, for all his Receipts and Payment. 9 *A.* ca. 5.

Money how to be applied.

Treasurer to Accompt.

CHAP.

CHAP. XII.

An Act for regulating of Townships, Choice of Town-Officers, and setting forth their Power.

Bounds of Townships to continue as heretofore granted and settled: And to be run, and Marks renewed once in 3 Years under a Penalty.

BE it ordained and enacted by the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That the Bounds of all Townships shall be, and continue as heretofore granted and setled respectively, and shall be run betwixt Town and Town, and Marks renewed once in three Years, by two of the Select-Men of each Town, or any other two Persons whom the Select-Men shall appoint: The Select-Men of the most ancient Town to give Notice unto the Select-Men of the next adjacent Towns, of the Time and Place of Meeting for such Perambulation, six Days before-hand; on Pain of forfeiting *Five Pounds* by the Select-Men of any Town, that shall neglect their Duty in any of the Particulars aforesaid: Two thirds thereof unto the use of the Poor of such Town; and the other third unto the Select-Men of any of the next adjacent Towns, that shall inform and sue for the same, in the Inferiour Court of Pleas within the same County, to be recovered by Action or Information.

Proprietors of Lands unfenced or in common Fields to run the Lines once in two Years.

And be it further enacted by the Authority aforesaid, That each Proprietor of Lands lying unfenced, or in any common Field, shall once in two Years, on six Days warning before given him, by the next Proprietor or Proprietors adjoining, run the Lines, make and keep up the Bounds between them, by sufficient meer Stones; on Pain that every Party so neglecting or refusing, shall forfeit the Sum of *Ten Shillings*: One half to the Party moving, and the other half to the Use of the Poor of the Town, being convented and convicted of such Neglect or Refusal, before any Justice of the Peace within the same County; who is hereby impowred to hear and determine the same.

Some more Lands, how to be improved.

And further it is enacted by the Authority aforesaid, That the Proprietors of the undivided or common Lands within each Town and Precinct in this Province, where the same have been heretofore stated, each ones Proportion being known, shall, and hereby are impowred to order, improve or divide in such way and manner as shall be concluded and agreed upon by the major Part of the interested; the Voices to be collected and accounted according to the Interests. And the Proprietors of all undivided or common Lands not stated and proportioned as aforesaid; shall, and hereby are impowred to manage, improve, divide or dispose of the same as hath been, or shall be concluded and agreed on by the major Part of such Proprietors. That no Cottage or Dwelling-Place in any Town, shall be admitted to the Privilege of Commonage of Woods, Timber and Herbage, or any other the Privileges which lie in common in any Town or peculiar, other than such as were erected or privileged by the Grant of such Town or peculiar before the Year *one Thousand six Hundred sixty and one*, or that have been since, or shall hereafter be granted by the Consent of any Town or peculiar.

And whereas it has been a continued Practice and Custom in the several Towns within this Province, annually to choose Select-Men or Townsmen, for the ordering and managing of the Prudential Affairs of such Town, and other Town Officers for the executing of other Matters and Things in the Laws appointed by them to be done and performed:

See Resolve at the End of this Act Qualification of Voters in Town-Meetings.

Be it further ordained and enacted by the Authority aforesaid, That the Freeholders and other Inhabitants of each Town rateable at *twenty Pounds* Estate, to one single Rate besides the Poll; shall some time in the Month of *March* annually meet and convene together upon Notice given by the Constable or Constables of such Town, or such others as the Select-Men

or

or Townsmen shall appoint, to give Notice of such Meeting, and the Time and Place for the same: And by the major Vote of such Assembly, then and there shall choose three, five, seven or nine Persons, able and discreet, of good Conversation, inhabiting within such Town, to be Select-Men or Townsmen and Overseers of the Poor, where other Persons shall not be particularly chosen to that Office (which any Town may do as they shall find it necessary and convenient) as also to nominate and choose a Town Clerk, who shall be sworn truly to enter and record all Town Votes, Orders, Grants and Divisions of Land, made by such Town, and Orders made by the Select-Men; a Commissioner for Assessments, Constables, Surveyors of High-Ways, Tything-Men, Fence-Viewers, Clerks of the Market, Sealers of Leather, and other ordinary Town Officers. And the Town Clerk, or two of the Select-Men, shall forthwith make, and give out unto the Constable or Constables of such Town, a List of the Names of those that shall be then chosen to the Office of Town-Clerk, Constables, Tything-Men, Clerks of the Market, Sealers of Leather, and other Officers, of whom an Oath is by Law required; which Constable or Constables within the Space of six Days at furthest, shall Summon each of them respectively to appear before the Quarter Sessions, if then sitting, or one of the next Justices of the Peace, to be sworn to the faithful Discharge of their respective Offices and Trust, on Penalty of *Twenty Shillings* to the Use of the Poor of the Town, to be paid by each Constable neglecting of his Duty in that behalf, upon Conviction thereof before one Justice of the Peace; and upon Non-payment, to be levied by Distress: *Provided*, That no Person in Commission for any Office, Civil or Military, Church-Officer, or Member of the House of Representatives for the time being, nor any other who has served as Constable within the space of seven Years before, shall be chosen to the Office of Constable.

Select Men Constables & other Town Officers to be annually chosen in *March*. 5 *A.* ca. 2. Town Clerk to be under Oath. 4 *W.* & *M.* ca. 17. Constables to Summon Town Officers to be sworn under a Penalty. Persons exempted from serving as Constables.

It is further enacted by the Authority aforesaid, That the Freeholders and Inhabitants qualified as in this Act is mentioned in each respective Town, in any Town-Meeting, orderly warned according to the Usage in such Town, or the major Part so assembled, or the Select-Men having Instructions given them in Writing by the Town for that Purpose; be, and hereby are impowred from time to time to make and agree upon such necessary Rules, Orders and By-Laws for the directing, managing and ordering the prudential Affairs of such Town, as they shall judge most conducing to the Peace, Welfare and good Order thereof; and to annex Penalties for the Observance of the same, not exceeding *Twenty Shillings* for one Offence, provided that they be not repugnant to the general Laws of the Province: and such Orders and By-Laws being presented unto the Justices in Quarter Sessions, and approved by them, shall be established, and binding to all the Inhabitants of such Town, and the Penalty for Breach of any of them by any of the Inhabitants, to be levied by Warrant of Distress from any Justice of the Peace before whom such Offender shall be convicted, to the Use of the Poor of such Town.

Towns or Select-Men having Instructions to make Orders and By-Laws. Orders and By-Laws in Towns, to be approved by the Quarter Sessions. Penalty to be levied by Warrant from a Justice

And further it is enacted by the Authority aforesaid, That the Select-Men or Townsmen chosen as aforesaid, in each Town respectively, be and hereby are impowred to assess the Inhabitants and others Resident within such Town, and the Precincts thereof, and the Lands and Estates lying within the Bounds of such Town, in just and equal Proportion as near as may be unto the County Charges, according as they shall receive Order from the Court of Quarter Sessions to be held for the same County; and to all Town Charges, each particular Person according to his known Ability and Estate, such Sum and Sums as hath or shall be ordered, granted and agreed upon from time to time by the Inhabitants in any Town-Meeting regularly assembled; or the major Part of those present at such Meeting, for the Maintenance and Support of the Ministry, Schools, the Poor, and for the defraying of other necessary Charges arising within the said Town, and thereof to make distinct and perfect Lists under

Select Men to make Assessment for County and Town-Charges. Assessors or Town-Clerk to make out a Warrant for levying the same. 9 *A.* ca. 5.

der their Hands, or the major Part of them, setting down every Persons Name, and several Proportion, and shall thereupon make out a Warrant to be signed by the said Assessors, or the Town-Clerk by their Order, (who are hereby respectively impowred thereto) directed unto the Constable or Constables of the said Town, for the speedy levying and collecting of such Assessments, and to pay in the same unto the Select-Men, or to such Person as they shall appoint for Receiver, within the time thereby prefixt: And to make Distress upon all such who shall neglect or refuse to make Payment: And for want of Goods or Chattels whereon to make Distress, to seize the Person and commit him to the common Goal of the County, there to remain until he pay the Sum upon him assessed as aforesaid; unless the same or any Part thereof, upon Application made unto the Quarter-Session, shall be abated. And if any Person think himself over-rated; and make it so appear unto the Assessors, he shall be eased; and if they refuse, such Person aggrieved may make his Application unto the Justices in Quarter Sessions, who are hereby impowred to rectify the same: And all Constables having any such Assessment committed unto them, shall settle and issue their Accompts thereof, with the Select-Men, or Receiver appointed by them, within three Months after their Time or Year is expired, on Pain of forfeiting the Sum of *Twenty Shillings* per Month, for each Months neglect afterward, to the Use of the Poor of such Town, and to be levied by Distress upon such delinquent Constables Goods by Warrant from one Justice of the Peace, being convented and convicted of such Neglect before him, who is hereby thereto impowred.

Distress to be made on Delinquents.

Persons over-rated to be eased.

Constables to settle & issue their Accompts within 3 Months after the expiration of their Year. See Act relating to Town Assessments. 9 *W.* ca. 1.

Provided nevertheless, That every Constable at the End of every three Months shall pay in as aforesaid, so much as he shall have collected within that time.

And it is further enacted by the Authority aforesaid, That the Select-Men or Overseers of the Poor in each Town (where there are such chosen, and specially appointed for that Service) are hereby impowred and ordered to take effectual Care that all Children, Youth, and other Persons of able Body, living within the same Town or Precincts thereof (not having Estates otherwise to maintain themselves) do not live idly, or misspend their time in loitering; but that they be brought up or imployed in some honest Calling, which may be profitable unto themselves, and the Publick. And if any Person or Persons fit and able to Work, shall refuse so to do, but loiter and misspend his or her time, wander from Place to Place, or otherwise misorder themselves; and thereof be convicted before one or more Justices of the Peace; such Person or Persons shall by such Justice or Justices be sent to the House of Correction, and at their Entrance be whipped on the naked Back, by the Master of such House, or such other as he shall procure, not exceeding ten Lashes; and be there kept to hard Labour, until he or she be discharged by such Justice or Justices, or the Quarter Sessions of the Peace for the same County. And it shall, and may be lawful for the Overseers of the Poor, or Select-Men in each Town where there are no other Persons specially chosen and appointed to be Overseers of the Poor, and they are hereby ordered with the assent of two Justices of the Peace, to bind any poor Children belonging to such Town, to be Apprentices, where they shall see convenient; a Man-Child, until he shall come to the Age of twenty-one Years, and a Woman-child, to the Age of eighteen Years, or time of Marriage: which shall be as effectual to all Intents and Purposes, as if any such Child were of full Age, and by Indenture of Covenant had bound him or her self.

Idle Persons & Loiterers to be imployed. Upon refusal to Labour, to be sent to the House of Correction. 11 *W.* ca. 6.

Poor Children to be bound out Apprentices.

And it is further enacted by the Authority aforesaid, That every Person and Persons, (except as in this Act is before excepted) being duly chosen as aforesaid, to serve in the Office of Constable, who shall refuse to take the Oath to that Office belonging, and to serve therein, if he be able in Person to execute the same; shall pay the Sum of *Five Pounds*, to the Use of the Poor of such Town. And if in the Towns of *Boston* or *Salem*, the Sum of

Penalty for not serving in the Office of Constable.

Ten

Ten Pounds, and shall forthwith declare his Acceptance or Refusal, and the Town shall proceed to a new Choice; and if such Person refuse to pay down his Fine, he shall be convened before the next Sessions of the Peace, to be held for that County, in which such Town lieth, who upon Certificate under the Hand of the Town Clerk, or two or more of the Select-Men, that such Person was legally chosen to the Office of Constable, and shewing no just Cause to the Sessions for his Excuse; the Justices shall order a Warrant to be signed by the Clerk of the Peace, directed to any of the Constables then in being within such Town, to levy the said Fine by Distress and Sale of such Offenders Goods, returning the Over-plus (if any be) the said Fine to be delivered unto the Overseers of the Poor, or Select-Men to the Use of the Poor of such Town.

And be it further enacted by the Authority aforesaid, That if any Person or Persons come to sojourn or dwell in any Town within this Province or Precinct thereof, and be there received and entertained by the space of three Months, not having been warned by the Constable, or other Person whom the Select-Men shall appoint for that Service, to leave the Place, and the Names of such Persons, with the time of their Abode there, and when such Warning was given them, returned unto the Court of Quarter Sessions; every such Person shall be reputed an Inhabitant of such Town, or Precincts of the same; and the proper Charge of the same, in case through Sickness, Lameness, or otherwise they come to stand in need of Relief, to be born by such Town; unless the Relations of such poor impotent Person, in the Line or Degree of Father or Grand-Father, Mother or Grand-Mother, Children or Grand-Children, be of sufficient Ability; then such Relations respectively shall relieve such poor Person, in such Manner as the Justices of the Peace in that County where such sufficient Persons dwell shall assess; on pain that every one failing therein, shall forfeit *Twenty Shillings* for every Months Neglect, to be levied by Distress and Sale of such Offenders Goods by Warrant from any two such Justices of the Peace (*Quorum Unus*) within their Limits; which shall be imployed to the Use and Relief of such impotent poor Person. *Provided nevertheless*, This Act shall not be understood of any Persons committed to Prison, or lawfully restrained in any Town, or of such as shall come, or be sent for Nursing or Education, or to any Physician or Surgeon to be healed or cured: But the particular Persons who receive and entertain any such, shall be the Town's Security in their Behalf; and be obliged to relieve and support them in Case of Need; upon Complaint made to the Quarter Sessions, who shall accordingly order the same.

Persons entertained in any Town by the space of three Months, and not warned out, to be reputed Inhabitants.

12 & 13 *W.* 3. ca 10.
11 *G.* ca. 2.

Persons of Ability, to relieve their Poor Relations.

And it is further enacted by the Authority aforesaid, That any Person orderly warned as aforesaid to depart any Town whereof he is not an Inhabitant, and neglecting so to do by the space of fourteen Days next after such Warning given, may by Warrant from the next Justice of the Peace be sent and conveyed from Constable to Constable, unto the Town where he properly belongs, or had his last Residence, at his own Charge, if able to pay the same, or otherwise at the Charge of the Town so sending him.

Persons warned out of any Town, to depart in 14 Days or else to be sent by the Constable.

And further it is enacted by the Authority aforesaid, That when and so often as there shall be Occasion of a Town-Meeting for any Business of publick Concernment to the Town there to be done; The Constable or Constables of such Town, by order from the Select-Men, or major Part of them, or of the Town Clerk by their Order, in each respective Town within this Province, shall warn a Meeting of such Town, having Order for the same in Writing; on Pain that every Constable neglecting his Duty in that Respect, and being thereof convicted before one Justice of the Peace, shall forfeit the Sum of *Twenty Shillings*, to the Use of the Poor of such Town, and to be levied by Distress and Sale of such Offenders Goods, by Warrant from such Justice of the Peace, upon neglect or refusal of Payment. And in case the Select-

Constables to warn Town-Meetings.
1 *G* ca 5. Penalty for neglect.

Justice to give Warrant for Town-Meeting in case.

Men in any Town shall unreasonably deny to call a Meeting of the Inhabitants of such Town, upon any publick Occasion thereof, the same being complained of, and made to appear to one of the next Justices of the Peace within the same County; such Justice by his Warrant directed to the Constable or Constables, may order a Meeting of the Inhabitants of such Town, therein signifying the Occasion thereof.

[*At a Great and General Court or Assembly of His Majesty's Province of the Massachusetts-Bay, begun and held at* Boston, *upon Wednesday the 30th of May* 1722. *The following Resolve was drawn up and passed on a Paragraph which relates to the Qualifications of Voters in Town-Meetings, in the Act for regulating of Townships and Choice of Town-Officers, made in the fourth Year of King* William *and Queen* Mary, viz. *Whether the Words* [*rateable at Twenty Pounds Estate to one single Rate besides the Poll*] *are to be understood as the Qualification of Freeholders, as well as other Inhabitants of Towns,* &c.

Resolved in the Affirmative, and that the Law ought so to be understood.

CHAP. XIII.

An Act for due Regulation of Weights and Measures.

To the End that Weights and Measures may be one and the same throughout this their Majesties Province:

Standard of *Winchester* Measure. 12 *W.* ca. 11. 4. *A.* ca. 2.

Be it enacted and ordained by the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That the Brass and Copper Weights and Measures formerly sent out of *England*, with Certificate out of their Majesties Exchequer to be approved *Winchester* Measure according to the Standard in the Exchequer; be the Publick allowed Standard throughout this their Majesties Province for the proving and sealing all Weights and Measures thereby. And the Constables of every Town throughout this Province, not already supplied, shall within three Months next coming provide upon the Towns Charge, one Bushel, one half Bushel, one Peck, one half Peck; one Ale Quart, one Wine Pint and half Pint; one Ell, one Yard; one set of Brass Weights, to four Pounds, after sixteen Ounces to the Pound, with fit Scales, and Steel Beam, tried and proved by the aforesaid Standard, and sealed by the Treasurer, or his Deputy in his Presence, (which shall be kept and used only for Standards in the several Towns) who is hereby authorized to do the same; for which he shall receive from the Constables of each Town, *two Pence* for every Weight and Measure so tried and proved and sealed. And the Constables of every Town shall commit those Weights and Measures unto the Custody of the Select-Men of their Towns, for the time being, who with the Constables are hereby enjoined to choose one able Man for Sealer of all Weights and Measures for their Town from time to time, and till another be chose, who shall be presented unto the next Court of Sessions, and there sworn to the faithful Discharge of his Duty: And shall have Power to send forth his Warrants by the Constable to all the Inhabitants of such Town, to bring in all such Weights and Measures as they make use of, in the Month of *April*, from Year to Year, at such Time and Place as he shall appoint, and make return to the Sealer in Writing of all Persons so summoned. That then and there all such Weights and Measures may be proved and sealed with

Constables to provide Standards.

Sealer of Weights and Measures, how to be chosen.

To grant out Warrants for Sealing of Weights and Measures in *April* yearly.

with the Town Seal (which is likewise to be provided by the Constables at each Towns Charge) who shall have for every Weight and Measure so sealed, *one Penny* from the Owner thereof at the first sealing. And all such Weights and Measures as cannot be brought to their just Standard, he shall deface and destroy. And after the first sealing, shall have nothing, so long as they continue just with the Standard. Fee. Penalty for Neglect.

And it is further enacted by the Authority aforesaid, That if any Constable, Select-Man or Sealer, do not duly execute this Law so far as to each and every of them appertains, they and each of them shall forfeit to their Majesties for every such Neglect, by the Space of one Month, the Sum of *Forty Shillings*, towards the Support of their Government here. And every Person neglecting to bring in their Weights and Measures at the Time and Place appointed, being duly warned thereto, shall likewise forfeit *three Shillings* and *four Pence*; the one half whereof to be to their Majesties as aforesaid, the other half to the Sealer aforesaid. And the Penalty herein mentioned, to be levied by Distress by Warrant from any Justice of the Peace. Penalty for Constables Select Men or Sealers neglect. Penalty for not bringing in Weights when warned

And it is further enacted by the Authority aforesaid, That in every Sea-Port Town within this Province, the Constable or Constables are to provide upon the Town's Charge, one Hundred Weight, one Half Hundred, one Quarter of an Hundred, and one fourteen Pounds Weight made of Iron, to be tryed, proved and sealed as aforesaid, and be kept as Standards in the said several Towns, to be used as before for other Weights and Measures is directed. Sea Port Towns to be provided of great Weights.

CHAP. XIV.

An Act for the Regulating and Encouragement of Fishery.

UPON Consideration of great Damage and Scandal that hath happened upon the Account of pickled Fish, although afterwards dryed and hardly discoverable; to the great Loss of many, and also an ill Reputation of this Province, and the Fishery of it:

Be it therefore enacted by the Governour, Council and Representatives, convened in General Court or Assembly, and it is enacted by the Authority of the same, That no Person or Persons whatsoever, after the Publication hereof, shall save or salt any Sort of Fish (that is intended to be dryed) in Cask or Fatts, or any other Way than what hath formerly and honestly been practised for the making of dry Fish; on Penalty of forfeiting all such Fish so salted and pickled, whether it be green or dry: The one Moiety thereof to the Use of the Poor of the Town where the Offence is committed, and the other Moiety to the Person that shall sue for the same. How dry Fish shall be saved.

And it is further enacted by the Authority aforesaid, That henceforth no Mackrel shall be caught (except for spending whilst fresh) before the first Day of *July* annually: And no Person or Persons whatsoever after the Publication hereof, shall at any Time or Place within this Province, take, kill, or hale ashore any Mackrel, with any Sorts of Nets, or Seans whatsoever; on Penalty of forfeiting all such Mackrel so taken or haled ashore, and also all such Nets and Seans which were so imployed: The one half thereof to their Majesties toward the Support of this their Government, and the other half to him or them that shall inform and sue for the same. And all Justices are hereby impowred, and required to grant their Warrants for the seizing of the same, and the aforesaid Forfeitures, or the receiving of the like Value in current Money of this Province. No Mackrel to be salted up before the first of *July*. Repealed. 4 & 5 *W. & M.* ca. 20. Re enacted. 1 *A.* c. 5. Penalty for taking Mackrel in Nets or Seans.

CHAP. XV.

An Act requiring the taking the Oaths appointed to be taken instead of the Oaths of Allegiance and Supremacy.

Preamble.

WHEREAS their Royal Majesties in and by their Charter for the erecting and incorporating of their Province of the Massachusetts-Bay *in* New-England, *have granted and ordained, that the Governour, or Lieutenant or Deputy Governour of their said Province, or Territory for the time being, or either of them, or any two or more of the Council or Assistants for the time being, as shall be thereunto appointed by the said Governour ; shall and may at all Times, and from time to time, have full Power and Authority to administer and give the Oaths appointed by an Act of Parliament made in the first Year of their present Majesties Reign, (entitled,* An Act for the abrogating of the Oaths of Allegiance and Supremacy and appointing other Oaths*) to be taken in stead of the Oaths of Allegiance and Supremacy ; to all and every Person and Persons which are now inhabiting or residing within the said Province or Territory ; or which shall at any time or times hereafter go or pass thither* :

Now to the Intent that there be no Failure herein, but that their Majesties Subjects within this their Province, may accordingly recognize their Duty and Allegiance :

All Male Persons of 18 Years & upwards to take the Oaths.

Additional Act. 6 G. ca. 4.

Be it enacted and ordained by His Excellency the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That the Oaths in the said Act mentioned, and thereby appointed to be taken in stead of the Oaths of Allegiance and Supremacy, and each of them be and shall be forthwith administred and given unto all Male Persons of the Age of eighteen Years, or above, inhabiting or residing in any Town or Place within this Province (that have not already taken the same, and shall make it so to appear) by His Excellency the Governour, or the Lieutenant or Deputy Governour, or any two or more of the Council or Assistants, or such others as shall be thereunto appointed by the Governour ; and the List of the Names of all Persons so Sworn to be returned into the Secretary's Office.

Penalty for refusing.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall refuse to take the said Oaths, or either of them, when tendered to him or them by any Persons lawfully authorized as is aforesaid, to Administer or tender the same ; the Person or Persons so tendering the said Oaths, or either of them, shall commit the said Person and Persons so refusing, to the common Goal, or House of Correction ; there to remain without Bail or Mainprize, for the Space of three Months ; unless such Offender shall pay down to the said Person or Persons so tendering the said Oaths, or either of them, such Sum of Money, not exceeding *Forty Shillings* ; as the said Person or Persons so tendering the said Oaths, or either of them, shall require such Offender to pay for his said refusal ; which Money shall be paid to the Select-Men, or Overseers of the Poor of the Town, or Place where such Offender did last inhabit.

And unless every such Offender, shall also become bound with two sufficient Sureties, with Condition to be of the good Behaviour ; and also to appear at the next General Quarter Sessions of the Peace, to be held for the same County, where such Offender doth inhabit or reside : At which Court of Quarter Sessions, the said Oaths shall be again tendered to every such Offender by the Justices of the said Court in open Sessions. And if the said Offender, shall refuse

refuse to take the said Oaths, or either of them, when tendered to him by the said Justices in open Sessions as is aforesaid; the said Justices tendering the said Oaths, shall commit the said Person and Persons so refusing, to the common Goal, or House of Correction, there to remain for the space of six Months, unless every such Offender shall pay down to the Justices so tendering the said Oaths, such Sum of Money, not exceeding *Ten Pounds*, nor under *Five Pounds*, as the said Justices shall require such Offender to pay for his second Refusal: The said Money to be disposed of in Manner aforesaid; and unless every such Offender shall likewise become bound with two sufficient Sureties, with Condition to be of the good Behaviour, until he or they do take the said Oaths. Penalty for a second refusal.

And whereas there are certain Persons who scruple the taking of any Oath:

Be it enacted by the Authority aforesaid, That every such Person shall make and subscribe the Declaration of Fidelity following, *viz.*

I A. B. *Do sincerely promise and solemnly declare before GOD and the World; that I will be true and faithful to King* WILLIAM, *and Queen* MARY: *And I do solemnly profess and declare, that I from my Heart, abhor, detest, and renounce as impious and heretical, that damnable Doctrine and Position, that Princes excommunicated or deprived by the Pope, or any Authority of the See of* Rome; *may be deposed or murdered by their Subjects, or any other whatsoever. And I do declare, that no foreign Prince, Person, Prelate, State or Potentate, hath or ought to have any Power, Jurisdiction, Superiority, Pre-eminence or Authority, ecclesiastical or spiritual, within the Realm of* England, *or any of their Majesties Dominions.* Declaration of Fidelity.

CHAP. XVI.

An Act for the establishing of Forms of Oaths.

Be it declared and enacted by the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That the several Forms of Oaths here under-written, be and are hereby established: To be given and administred unto the respective Officers for whom they are appointed. *As followeth:*

YOU *A. B.* being chosen and admitted of their Majesties Council within this their Province, do swear by the everliving GOD, That you will to the best of your Judgment at all Times, freely give your Advice to the Governour, for the good Management of the publick Affairs of this Government; and that you will not directly nor indirectly reveal such Matters as shall be debated in Council, and committed to your Secrecy. But will in all Things be a true and faithful Counsellor when you are thereunto required. *So help you GOD.* Counsellors Oath.

YOU *A. B.* do swear, That as Justice of the Peace in the County of *S.* according to the Commission given you; You shall dispense Justice equally and impartially in all Cases; And do equal Right to the Poor and to the Rich, after your Cunning Wit and Power, and according to Law. And you shall not be of Council in any Quarrel that shall come before you: You shall not let for Gift or other Cause. But well and truly you shall do your Office of Justice of the Peace in that Behalf, taking only appointed Fees. And Justice of the Peace Oath.

Juſtices of Superiour and Inferiour Courts Oath. 10 *W.* ca. 15.

And you ſhall not direct or cauſe to be directed any Warrant (by you to be made) to the Parties; but you ſhall direct your Warrant to the Sheriff, his Under-Sheriff or Deputy, Conſtable, Tything-Men, or other Officers, proper for the Execution of the ſame in the County. And this you ſhall do without Favour or Reſpect to Perſons. *So help you GOD.*

Sheriff or Marſhals Oath, *Mutatis mutandis.*

YOU ſwear, That you will well and truly ſerve the King and Queen's Majeſties, in the Office of the Sheriff of the County of *S.* and do the King and Queen's Profit in all Things that belongeth to you to do by Way of your Office, as far forth as you can or may; you ſhall truly keep the King and Queen's Rights, and all that belongs to the Crown; you ſhall not reſpite the King and Queen's Debts for any Gift or Favour, where you may raiſe them without great Grievance of the Debtors; you ſhall truly and uprightly treat the People of your Sheriffwick, and do Right as well to Poor as to Rich, in all that belongeth to your Office: You ſhall do no Wrong to any Man, for any Gift or other Beheſt or Promiſe of Goods, for Favour nor Hate; you ſhall diſturb no Man's Right: You ſhall truly acquit at the Treaſury, all thoſe of whom you ſhall any Thing receive of their Majeſties Debts; you ſhall nothing take whereby their Majeſties may loſe, or whereby the Right may be letted or diſturbed, or their Majeſties delayed; you ſhall truly return, and truly ſerve all their Majeſties Writs, as far forth as ſhall be to your Cunning; you ſhall take no Bailiff into your Service, but ſuch as you ſhall anſwer for, and of true and ſufficient Men in the County, and ſhall cauſe each of your Bailiffs to make ſuch Oath as you make your ſelf, in that belongeth to their Occupation. And over this, in eſchewing and reſtraint of the Man-ſlaughters, Robberies, and other manifold greviousOffences that be done daily. All theſe Things you ſhall truly obſerve and keep, as *GOD help you.*

Grand Jurors Oath.

YOU as Foreman of this Inqueſt for the Body of this County of *S.* You ſhall diligently enquire, and a true Preſentment make of all ſuch Matters and Things as ſhall be given you in Charge; the King and Queen's Majeſties Counſel, your Fellows and your own, you ſhall keep ſecret; you ſhall preſent no Man for Envy, Hatred or Malice; neither ſhall you leave any Man unpreſented for Love, Fear, Favour or Affection, or Hope of Reward: But you ſhall preſent Things truly as they come to your Knowledge, according to the beſt of your Underſtanding. *So help you GOD.*

THE ſame Oath which your Foreman hath taken on his Part, you and every of you on your Behalf ſhall well and truly obſerve and keep. *So help you GOD.*

Petit Jurors Oath.

YOU ſhall well and truly try, and true Deliverance make between our Sovereign Lord and Lady the King and Queen, and the Priſoners at the Bar, whom you ſhall have in Charge according to your Evidence. *So help you GOD.*

Jurors Oath in civil Cauſes.

YOU ſwear, That in all Cauſes betwixt Party and Party that ſhall be committed unto you: You will give a true Verdict therein according to Law, and the Evidence given you. *So help you GOD.*

Town Clerk's Oath.

YOU ſwear, That in the Office of Town-Clerk within the Town of *B.* whereto you are choſen: You will diligently and faithfully attend and diſcharge the Duty of your Place, and duly obſerve the Directions of the Law in all Things whereto your Office hath Relation, and thereby committed to your Care and Truſt. *So help you GOD.*

YOU

YOU swear, That you will from time to time diligently and faithfully Discharge and Execute the Office of ---------- within the Limits whereto you are appointed for the ensuing Year, and until another be chosen in your Place; and that in and by all the Particulars mentioned in the Laws whereto your Office hath Relation; and that you will do therein impartially according to Law, without Fear or Favour. *So help you GOD.*

Oath of Leather Sealer. Clerk of the Market. Culler of Fish, Packer, Gager, *Mutatis mutandis.*

WHEREAS you *A. B.* are chosen Constable within the Town of *C.* for one Year now following, and until other be chosen and Sworn in your Place: You do swear, That you will carefully intend the Preservation of the Peace, the discovery and preventing all Attempts against the same: That you will duly execute all Warrants which shall be sent unto you from lawful Authority; and faithfully attend all such Directions in the Laws, and Orders of Court, as are, or shall be committed to your Care. That you will faithfully and with what speed you can, collect and levy all such Fines, Distresses, Rates, Assessments and Sums of Money, for which you shall have sufficient Warrants according to Law; rendering an Account thereof, and paying in the same according to the Direction in your Warrant. And with like Faithfulness, Speed and Diligence, will serve all Writs, Executions and Distresses in private Causes betwixt Party and Party, and make Returns thereof duly into the same Court, where they are returnable. And in all these Things you shall deal seriously, and faithfully whilst you shall be in Office, without any sinister Respects of Favour or Displeasure. *So help you GOD.*

Constables Oath.

CHAP. XVII.

An Act for regulating Fees.

BE it enacted and ordained by the Governour, Council and Representatives, convened in General Court or Assembly, and it is hereby enacted and ordained by the Authority of the same, That the Establishment of the Fees belonging to the several Offices in this Province; be as followeth.

Justices Fees.

	l.	*s.*	*d.*
FOR every Attachment or Summons for Actions not exceeding forty Shillings, *six Pence.*	00	00	06
Sub pœna, each Witness, *two Pence.*	00	00	02
Entring the Action, *three Shillings.*	00	03	00
Every Execution, *two Shillings.*	00	02	00
Filing Papers, each Paper, *two Pence.*	00	00	02
Every Warrant for Criminals, *one Shilling.*	00	01	00
Bond for Appeal, *one Shilling.*	00	01	00
Copy of Evidences, the least *six Pence.*	00	00	06
Copy of a Judgment, *six Pence.*	00	00	06
Every Recognizance, *two Shillings.*	00	02	00
Confessing Judgment, *one Shilling.*	00	01	00
Affidavit out of Court, *one Shilling.*	00	01	00
Each Days Attendance at the Sessions, to be paid out of the Fines, *four Shillings.*	00	04	00
Acknowledging of a Deed or Mortgage, or any other Instrument, *two Shillings.*	00	02	00

See Act impowring Justices to decide Differences not exceeding forty Shillings 9 *W.* ca. 2.

Coroners

Coroners Fees.

		l.	*s.*	*d.*
12 *W.* ca 6.	FOR taking every Inquisition, to be paid out of the Estate of the deceased, *thirteen Shillings* and *four Pence*.	00	13	04
	If no Estate, then to be paid by the County Treasurer, *six Shillings* and *eight Pence*.	00	06	08

Fees for Probate of Wills, granting Administrations, &c.

FOR granting Administration, Bond and Letter of Administration under the Seal of the Office, if the Inventory amount to thirty Pounds or upwards, to the Judge, *four Shillings*, to the Register *three Shillings six Pence*.	00	07	06
If the Inventory be under thirty Pounds, *five Shillings*.	00	05	00
Probate of a Will where the Inventory amounts to thirty Pounds or upwards; to the Judge *three Shillings* and *six Pence*, to the Register, *two Shillings* and *six Pence*.	00	06	00
If under thirty Pounds, *four Shillings*.	00	04	00
Recording a Will or Inventory of one Page, and filing the same, *two Shillings* and *six Pence*.	00	02	06
If more, each Page of twenty-eight Lines, eight Words in a Line, *one Shilling*.	00	01	00
For a Copy of a Will or Inventory, *twelve Pence* a Page, each Page to contain as aforesaid.	00	01	00
Allowing Accompts, settling and dividing of Intestate Estates, *five Shillings*.	00	05	20
Every Citation, *one Shilling*.	00	01	00
Every Quietus, *four Shillings*.	00	04	00
Warrant for Apprizement, *two Shillings*.	00	02	00
Making out a Commission to receive and examine the Claims of Creditors to insolvent Estates and registring of the same, *three Shillings*.	00	03	00
Registring of the Commissioners Report after the Rate of *one Shilling* per Page, to be accounted as aforesaid.	00	01	00
For entring an Order upon the Administrator to pay out the Estate in Proportion unto the several Creditors returned by the Commissioners, *one Shilling and six Pence*.	00	01	06

Secretaries Fees.

FOR engrossing the Acts or Laws of the General Assembly, *Ten Shillings* each, to be paid out of the publick Revenue.	00	10	00
Every Commission for the Justices of each County, and Commission of Oyer and Terminer, *ten Shillings*, to be paid out of the publick Revenue.	00	10	00
Every Commission for a Military Officer, *three Shillings*, to be paid out of the publick Revenue.	00	03	00
Special Warrant or Mittimus by Order of the Governour and Council, each *two Shillings and six Pence*.	00	02	06
Every Commission under the great Seal, for Places of Profit, *ten Shillings*.	00	10	00
Every Bond, *two Shillings*.	00	02	00
Every Order of Council to the Benefit of particular Persons, *two Shillings and six Pence*.	00	02	06

Every

Every Petition to the Governour and Council or General Assembly, according to the Import, from *two Shillings* and *six Pence*, to *ten Shillings*.				
A Pass or Sea Brief, *three Shillings*.	00	03	00	
A Bill of Health, *three Shillings*.	00	03	00	
Every Writ for electing of Assembly-Men, directed to the Sheriff or Marshal, under the Province-Seal, *five Shillings*, to be paid out of the publick Revenue.	00	05	00	
For transcribing the Acts or Laws passed by the General Assembly into a Book, *twelve Pence* a Page, each Page to contain twenty eight Lines, eight Words in a Line, and so proportionably; to be paid out of the publick Revenue;				Additional Act. 1 *G.* ca. 5. 3 *G.* ca. 6.

In the Superiour Court.

The Justices Fees.

ENTRY of every Action for Trial, *twelve Shillings*.	00	12	00	
Out of which to the Clerk, *two Shillings*.	00	02	00	
Taking every special Bail, *two Shillings*.	00	02	00	
Allowing of a Writ of Error, *three Shillings*.	00	03	00	
Allowing a *Habeas Corpus*, *two Shillings*.	00	02	00	
Confessing Judgment, *two Shillings*.	00	02	00	
Acknowledging Satisfaction of a Judgment on Record, *one Shilling*.	00	01	00	
In all criminal Cases where a Fine is set, *six Shillings*.	00	06	00	
Taxing every Bill of Cost, *one Shilling*.	00	01	00	

Clerks Fees.

EVERY Writ and the Seal, *one Shilling* and *six Pence*.	00	01	06	
Every Rule of Court, *six Pence*.	00	00	06	
Filing every Declaration, *one Shilling*.	00	01	00	3 *G.* ca. 5.
To the Jury to be paid down by the Plaintiff, *six Shillings six Pence*.	00	06	06	
Entring Appearance, *six Pence*.	00	00	06	
Signing a Judgment by Default, *one Shilling*.	00	01	00	
Taking every Verdict and recording it, *one Shilling*.	00	01	00	
Copies of all Records, *twelve Pence* a Page, each Page containing twenty eight Lines, eight Words in a Line.	00	01	00	
Less than one Page, *one Shilling*.	00	01	00	
Every Action withdrawn or Non-Suit, *one Shilling*.	00	01	00	
Every Petition read, *one Shilling*.	00	01	00	
Order thereon, *one Shilling*.	00	01	00	
Filing the Records of each Action, *two Pence* a Paper.	00	00	02	
Every Execution, *two Shillings*.	00	02	00	

In Criminal Cases.

DRAWING and ingrossing every Indictment or Information, *two Shillings*.	00	02	00	
Every Appearance, *six Pence*.	00	00	06	
For the Discharge of any Person upon Bail for the Peace, good Behaviour, Contempt and the like, and Warrant thereon, *one Shilling*.	00	01	00	
For awarding and making forth Process against the Defendant on Information, *one Shilling*.	00	01	00	
Every Warrant for the Peace or good Behaviour, *one Shilling*.	00	01	00	

In the Inferiour Court.

Justices Fees.

ENTRY of every Action, *ten Shillings.*	00	10	00
Of which the Clerk is to have, *two Shillings.*	00	02	00
Taking special Bail, *two Shillings.* } Of which the	00	02	00
Confessing Judgment, *one Shilling.* } Clerk one Quarter.	00	01	00
Acknowledging Satisfaction of Judgment on Record, *one Shilling.*	00	01	00
Taxing every Bill of Cost, *one Shilling,*	00	01	00
whereof *six Pence* to the Clerk.	00	00	06
3 G. ca. 5. To the Jury to be paid down by the Plaintiff, *six Shillings six Pence.*	00	06	06

Clerks Fees.

FOR every Writ and Seal, *one Shilling.*	00	01	00
Entring Appearance, *six Pence.*	00	00	06
Entring and Recording the Virdict, *one Shilling.*	00	01	00
Making up the Record, *one Shilling.*	00	01	00
Copies of all Records, *twelve Pence* each Page, as before.	00	01	00
Every Action withdrawn or Non-Suit, *one Shilling.*	00	01	00
Every Execution, *two Shillings.*	00	02	00

Clerk of the Sessions of Peace, his Fees.

ENTRING Complaint or Indictment, *two Shillings.*	00	02	00
Discharge of a Recognizance, *one Shilling.*	00	01	00
Making forth Process against Criminals, *one Shilling.*	00	01	00
Every Summons, *three Pence.*	00	00	03
Every Warrant for the Peace, or good Behaviour, *one Shilling.*	00	01	00
Every License for Houses of publick Entertainment			
or Retailing, *four Shillings.*	00	04	00
Whereof *two* to the Clerk.	00	02	00

Sheriff, or Marshals Fees; Or Constables.

FOR serving every Summons for Trial, *one Shilling.*	00	01	00
Every *Capias*, or Attachment, *two Shillings.*	00	02	00
6 W. & M. ca. 3. and if above one Mile, *three Pence* per Mile besides:			
Bail Bond, *one Shilling.*	00	01	00
Levying Execution, for the first twenty Pounds or under, *one Shilling* per Pound; above that, not exceeding forty Pounds, *six Pence* per Pound.			
Above forty Pound, not exceeding one Hundred Pound, *three Pence* per Pound: For whatsoever it exceeds one Hundred Pound, *two Pence* per Pound, besides *four Pence* per Mile for travel Home.			
Every Trial, *one Shilling.*	00	01	00
Every Precept for choosing of Representatives, *two Shillings,*			
to be paid out of the County Assessment.	00	02	00

Cryers

Cryers Fees.

FOR calling of the Jury, *six Pence.*	00	00	06
Every Non-Suit, *twelve Pence.*	00	01	00
Every Verdict, *twelve Pence.*	00	01	00

Goalers Fees.

FOR turning of the Key upon every Prisoner committed *FiveShillings, viz.* Commitment 2 *s.* 6*d.* Discharge 2 *s.* 6*d.*	00	05	00
For Diet for each Prisoner, *two Shillings and six Pence* per Week, and so proportionable, he finding the same.	00	02	06

And be it further enacted by the Authority aforesaid, That what Officer soever shall ask, demand and take any greater or other Fees than are before-mentioned for the Matters aforesaid, or any of them, and be thereof duly convicted in any Court of Record within this Province, shall forfeit and pay the Sum of *Ten Pounds* currant Money; one Moiety whereof to be unto our Sovereign Lord and Lady, the King and Queen, their Heirs and Successors, for and towards the Support of the Government of this their Province, and the contingent Charges thereof; and the other Moiety unto the Informer, or him that shall sue for the same in any Court of Record; wherein no Assoign, Protection, or Wager of Law shall be allowed. And shall further pay unto the Party grieved, double the Value of the excessive Fees so taken. Penalty for taking Excessive Fees.

CHAP. XVIII.

An Act for ascertaining the Number, and regulating the House of Representatives.

WHEREAS their Majesties have been graciously pleased by their Royal CHARTER, *to grant Power unto the Great and General Court or Assembly of their Province of the* Massachusetts-Bay; *from time to time to direct, appoint, and declare what Number of Representatives each County, Town or Place shall elect and depute to serve for and represent them respectively, in the said Assembly:* Preamble.

Be it therefore enacted and ordained by His Excellency the Governour, Council and Representatives now in General Court assembled, and by the Authority of the same, That henceforth every Town within this Province consisting of the Number of forty Freeholders, and other Inhabitants qualified by Charter to Elect, shall and hereby are injoined to chuse and send one Freeholder as their Representative; and every Town consisting of the Number of one Hundred and twenty Freeholders and other Inhabitants, qualified as aforesaid or upwards, may send two such Representatives; and each Town of the Number of thirty Freeholders, and other Inhabitants qualified as aforesaid, or upwards, under forty, are at Liberty to send One or not; but may choose and send one Representative, if they think fit, to serve for and represent them respectively in every Session of the Great and General Court or Assembly from time to time. And all Towns under thirty Freeholders, may send one to represent them, or join with the next Town in the Choice of their Representatives, they paying a proportionable Part of the Charge. And no Town, shall at any time send more than two Representatives, except *Boston*, who are hereby granted to choose and send Four. Repealed by 13 *G.* ca. 2. here omitted.

Towns consisting of one hundred and twenty Families or upwards, may send two Representatives. *Boston* four

Writs for calling a General Assembly, to issue 30 Days before.

And be it further enacted by the Authority aforesaid, That when and so often as His Excellency the Governour shall see Cause to convene and hold a Great and General Court or Assembly, Writs shall issue out from the Secretary's Office under the Seal of the Province, and signed by the Governour, thirty Days at least, before the Time appointed for such Assembly's Meeting, directed unto the Sheriffs of the several Counties. And where there is no Sheriff in any County or Place, there to be directed to the Marshal, commanding each of them respectively to send his Precepts to the Select-Men of the several and respective Towns within such County, to assemble and call together the Freeholders and other Inhabitants qualified as aforesaid, to choose and elect one or more Freeholders, as the Number in each Town is more or less, as above, to serve for and represent them in such Great and General Court or Assembly: The major Part of the Select-Men in each Town respectively, to be present at such Meeting, and to give Directions for the regular and orderly carrying on of the same: Who are to return the said Precept with the Names of such as shall be chosen by the major Part of the Electors present as such Meeting, under their Hands unto the respective Sheriffs or Marshals, by them to be returned into the Secretary's Office, one Day at the least before the Time prefixed for the said Court or Assembly's sitting.

Select Men to regulate the Meeting.

House of Representatives Judges of Elections, &c.

And it is further enacted by the Authority aforesaid, That the Representatives assembled in any Great and General Court, shall be the sole Judges of the Elections and Qualifications of their own Members; and may from time to time settle, order and purge their House, and make such necessary Orders for the due Regulation thereof, as they shall see Occasion. And forty Representatives at any time so assembled, shall be accounted a Number sufficient to constitute a House, pass Bills, and to transact and do any Business proper to be done in that House; and such Acts to be esteemed valid and of Effect.

40 Representatives constitute a House.

Representatives Allowance, enlarg'd.

And be it further enacted by the Authority aforesaid, That each Town respectively shall pay unto their several Representatives, during their Attendance on the Court, and for the necessary time expended in their journeying to and from thence; *three Shillings* in Money *per Diem*, within one Month next after the End of each Session commencing from his Excellency's Arrival.

Penalty for Non-Attendance.

5 *W.* & *M.* ca. 14.

And it is further enacted by the Authority aforesaid, That every Person chosen to serve for, and represent any Town in the General Assembly, and accepting thereof, shall give his constant Attendance, during their Sessions, on Pain of forfeiting the Sum of *Five Shillings per Diem* for his Neglect; (without just excuse made and allowed of by the House of Representatives) to be paid unto the Clerk of the said House, and is to be disposed of and employed as the House shall direct; and in default of Payment to be levied by Distress upon such Delinquents Goods, by Warrant from the said Clerk, by Order of the House, directed to the Sheriff of the County, his Under-Sheriff or Deputy, or Constable of the Town where such Representative dwells: And

Not to depart without Leave of the Speaker and the House.

no Representative shall depart or absent himself from the General Assembly, until the same be fully finished, adjourned or prorogued; without the Licence of the Speaker and Representatives assembled, to be entred upon Record in the Clerk's Book, on Pain to every one so departing or absenting himself in any other Manner, to lose his Wages. And the Inhabitants of such Town for which he serves, shall be clearly discharged of the said Wages against such Person, and his Executors forever.

No Representative or his Servant to be Arrested, &c. during the Session.

3 *A.* ca. 1.

And it is further enacted by the Authority aforesaid, That no Member of the General Assembly, or his Servant during the time of their Sessions, or going to and from thence shall be arrested, sued, imprisoned, or any ways molested or troubled, or compelled to make Answer to any Suit, Bill, Plaint or Declaration, or otherwise: Cases of High-Treason and Felony excepted.

CHAP

CHAP. XIX.

An Act for the preventing of Danger by the *French* residing within this Province.

THERE having been frequent Complaints made to this Court, that although several French, *Protestants who lately fled from Persecution; came over Sea into this Province, and were charitably entertained and succoured here, yet since that, many of a contrary Religion and Interest have been brought hither; and others have obtruded themselves; which (especially in this Time of War, between the two Crowns of* England *and* France *) proves a grievous Inconvenience; and the publick Safety is endangered by suffering such a mixt Company among us.* Preamble.

For Remedy whereof:

It is enacted and ordained by the Governour, Council and Representatives, convened in General Assembly, and by the Authority of the same, That from and after the second Day of *January* next ensuing, none of the *French* Nation be permitted to reside or be in any of the Sea-Ports or Frontier Towns within this Province; but such as shall be licensed by the Governour and Council. Nor shall any of the said Nation open Shop, or exercise any Manual Trade in any of the Towns of this Province; without the Approbation of the Select-Men, first orderly obtained in Writing under their Hands, on Pain of Imprisonment. No French to reside or be in any Sea-Port or Frontier Town without License.

And any two Justices of the Peace (*Quorum Unus*) within their respective Precincts, are hereby impowred to commit to Prison any Person or Persons legally convicted of offending against this Act; upon the Complaint of the Select-Men in any Town, or any two of them; and to remain in Prison, until released by Order of the Governour and Council.

ACTS and LAWS,

Passed by the Great and General Court or Assembly of the Province of the *Massachusetts-Bay* in *New-England*, begun and held at *Boston* the eight of *June*, 1692. and continued by several Adjournments unto the eighth Day of *February* following.

CHAP. XX.

An Act for the Explanation and altering of some Clauses, and Sentences; and the repealing of some others, contained in several Acts made and passed at the second Session of this Court in *October* last, 1692.

BE it enacted by the Governour, Council and Representatives in General Court assembled, and it is enacted and declared by the Authority of the same, *That whereas in the Act Entitled,* An Act for the Settling and Distribution of the Estates of Intestates, *amongst other Things, thereby enacted and provided, there is a saving to the Party aggrieved, at any Order, Sentence or Decree, made for the Settlement and Distribution of any Intestate Estate, their right of Appeal unto the Governour and Council:* 4 *W.* and *M.* ca. 2.

It

Appeals from the Judge of Probate enlarged.

It is now declared and enacted, That such Right of Appeal, shall to all Intents and Purposes, extend and be taken and construed to extend, as well to any other Order, Sentence, Decree or Denial, that shall at any time be made and given by the Judge of Probate, referring to the Approbation and Allowance of any Will, grant of Administration or other Matter: Any thing in the said Act, to the contrary notwithstanding.

Guardians to be allowed by the Judge of Probate.

And further it is enacted and declared, That the Judge of Probate in each County respectively, when and so often as there shall be Occasion; be, and hereby is impowred, to allow of Guardians, that shall be chosen by Minors of fourteen Years of Age; and to appoint Guardians for such as shall be within that Age; taking sufficient Security of all such Guardians for the faithful Discharge of their Trust, according to Law: And to Accompt either to the Judge or Minor, when such Minor shall arrive at full Age, or at such other time as the Judge, upon Complaint to him made, shall see Cause.

And touching the Settlement and Support of Ministers intended by the Act of the fourth of WILLIAM *and* MARY, Cap. 10.

Ministers how to be chosen.

Be it enacted by the Authority aforesaid, That each respective gathered Church in any Town or Place within this Province, that at any time shall be in Want of a Minister, such Church shall have Power according to the Directions given in the Word of God, to choose their own Minister.

And the major Part of such Inhabitants as do there usually attend on the publick Worship of God, and are by Law duly qualified for voting in Town Affairs, concurring with the Churche's Act, the Person thus elected and approved, accepting thereof, and settling with them, shall be the Minister, towards whose Settlement and Maintenance all the Inhabitants and rateable Estates lying within such Town, or Part of a Town, or Place limited by Law for upholding the publick Worship of God, shall be obliged to pay in Proportion.

Saving to *Boston*.

Provided, That nothing herein contained is intended or shall be construed to extend to abridge the Inhabitants of *Boston* of their accustomed Way and Practice as to the Choice and Maintenance of their Ministers.

Advice of Neighbouring Ministers to be had. 7 *W.* ca. 9.

Be it further enacted, That in such Towns or Places where there is no Church gathered, the rateable Inhabitants of such Town or Place, at a Meeting duly warned for that Purpose, (Notice thereof being given fifteen Days before the Time of such Meeting) by the major Vote of such Assembly then and there met, with the Advice of three Neighbouring ordained Ministers, shall choose and call an Orthodox, learned and pious Person, to dispense the Word of God unto them. To the Settlement and Maintenance of which Minister, all rateable Estates, and Inhabitants within such Town or Place, shall be assessed, and pay proportionably.

Sessions of the Peace to provide Remedy in case of Neglect of Maintenance of the Ministry. 1 *A.* ca. 3.

And it is further enacted by the Authority aforesaid, That where any Town or Place shall be negligent of their Duty by Law required, respecting the Maintenance of the Ministry, the Court of Quarter Sessions of the Peace within the same County, upon Complaint to them made, are impowred and required effectually to provide for Remedy thereof, and by Warrant from the said Court, to convent before them the Select-Men, or others specially appointed by the Inhabitants of such Town or Place, to take Care in that Matter, (having accepted such Betrustment;) and upon Conviction of Neglect therein, to impose a Fine upon the Delinquents not exceeding *Forty Shillings* each Person for the first Offence: And upon a second Conviction of such Neglect, to impose a Fine of *Four Pounds* upon each Person, and the like Sum of *Four Pounds* for every after Conviction: Such Fines to be levied by Distress and Sale of the Offenders Goods, returning the Over-plus (if any be) and to be disposed to the Use of the Poor of the same Town or Place, by the Select-Men, or Overseers of the Poor.

CHAP.

CHAP. XXI.

An Act for the registring of Births and Deaths.

FOR preventing of great Uncertainty and Inconvenience that may happen, for want of a particular Register of Births and Deaths:

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That every Town-Clerk within this Province, shall be, and is hereby impowred and required, to take an Account of all Persons that shall be born or shall die, within each Town respectively, and the Precincts thereof; and fairly to register in a Book, their Names and Sirnames, as also the Names and Sirnames of their Parents, with the Time of their Birth and Death. And the Clerk shall demand and receive the Fee of *three Pence*, and no more, for each Birth or Death by him so registred; to be paid by the Parents, or others nextly related to, or concerned with the Party born or dying. And if any shall refuse or neglect to give Notice to the Town-Clerk of the Birth or Death of any Person that they are so related to or concerned for; or to pay for registring as aforesaid, by the space of thirty Days next after such Birth or Death: Every Person so refusing or neglecting, and being (upon the Complaint of any Town Clerk) thereof convicted before a Justice of Peace within the same County, shall forfeit and pay unto such Clerk, the Sum of *Five Shillings*; to be levied by Distress and Sale of the Offenders Goods, by Warrant from such Justice; if Payment thereof be not made within four Days next after Conviction as aforesaid. And every Town-Clerk shall give forth from the Registry a fair Certificate under his Hand of Persons born or dying in the Town, to any who shall desire the same; and he shall receive *six Pence* and no more for every Certificate so given. Town Clerk to Register Births and Deaths.

Acts and Laws,

Passed by the Great and General Court or Assembly of the Province of the *Massachusetts-Bay* in *New-England*, begun and held at *Boston* the thirty-first Day of *May*, 1693.

CHAP. I.

An Act for the restraining the taking excessive Usury.

FOR AS MUCH as the Abatement of Interest hath always been found beneficial to the Advancement of Trade, and Improvement of Lands by good Husbandry; and whereas the taking of eight in the Hundred for the Interest of Money, tends to the great Discouragement of Ingenuity and Industry in the Husbandry, Trade, and Commerce of this Province: Preamble.

Be it for the Reasons aforesaid, enacted by the Governour, Council and Representatives, convened in General Assembly, and it is enacted by the Authority of the same, That no Person or Persons whatsoever, from and after the first Day of *August*, in the Year of our

Six Pounds *per Cent.* Interest *per Annum* for Loan of Money.

our Lord, one Thousand six Hundred ninety three; upon any Contract to be made after that time, shall take directly or indirectly, for Loan of any Monies, Wares, Merchandize, or other Commodities whatsoever, above the Value of *six Pounds* for the Forbearance of one Hundred Pounds for a Year; and so after that Rate for a greater or lesser Sum, or for a longer or shorter time. And that all Bonds, Contracts, Mortgages and Assurances whatsoever, made after the Time aforesaid for the Payment of any Principal or Money Lent, or covenanted to be lent, upon or for Usury, whereupon or whereby there shall be reserved, or taken above the Rate of *six Pounds* in the Hundred as aforesaid, shall be utterly void; and that all and every Person and Persons whatsoever, which shall after the time aforesaid upon any Contract, take, accept and receive by Way or Means of any corrupt Bargain, Loan, Exchange, or by Covin, or deceitful Conveyance, or by any other Way or Means whatsoever, for the forbearing or giving Day of Payment for one whole Year, of, and for their Money, or other Thing or Things, above the Sum of *six Pounds* for the forbearing of one hundred Pounds for a Year; and so after that Rate for a greater or lesser Sum, or for a longer or shorter time; shall forfeit and lose for every such Offence the full Value of the Goods and Monies, or other Things so lent, exchanged, bargained, sold, or agreed for; one Moiety thereof to their Majesties, towards the Support of the Government of this Province, and the contingent Charges thereof; the other Moiety to the Informer that shall sue for the same; any Custom, Usage or Law to the contrary notwithstanding.

Penalty for contracting for more.

A saving.

Provided, Nothing in this Act shall extend to the letting of Cattel, or other Usages of like Nature, in Practice amongst Farmers, or Maritime Contracts among Merchants, as Bottomry, or Course of Exchange, as hath been heretofore accustomed.

CHAP. II.

An Act for Confirmation of Titles within the Islands of *Capawock*, alias *Martha's Vineyard*, and *Nantuckett*.

Preamble.

WHEREAS their most gracious Majesties, our Sovereign Lord and Lady, King WILLIAM *and Queen* MARY, *in and by their Royal* CHARTER, *or Letters Patent, bearing date at* Westminster, *the seventh Day of* October, *in the third Year of their said Majesties Reign; for the uniting, erecting and incorporating of the Colony of the* Massachusetts-Bay, *and Colony of* New-Plimouth, *the Province of* Main, *the Territory called* Accada, *or* Nova-Scotia, *and all that Tract of Land lying between the said Territories of* Nova-Scotia, *and the said Province of* Main, *into one real Province, by the Name of the Province of the* Massachusetts-Bay *in* New-England: *Have therein particularly named, comprehended and included the Islands of* Capawock *and* Nantuckett *as Part of the said Province of the* Massachusetts-Bay, *and annexed the same thereto: And also all Islands and Islets, lying within ten Leagues, directly opposite to the main Land within the said Bounds.*

And whereas their said Majesties have also been graciously pleased in and by their said Letters Patent, to grant and ordain that all and every such Lands, Tenements, and Hereditaments and other Estates, which any Person or Persons, or Bodies Politick and Corporate, Towns, Villages, Colleges or Schools, do hold and enjoy, or ought to have, hold and enjoy within the Bounds of the said Charter, by or under any Grant or Estate duly made or granted, by any General Court formerly held, or by Virtue of the Letters Patent, herein before recited, or by any other lawful

lawful Right or Title whatsoever ; shall be by such Person or Persons, Bodies Politic and Corporate, Towns, Villages, Colleges or Schools, their respective Heirs Successors and Assigns for ever hereafter held and enjoyed according to the Purport and Intent of such respective Grant : Under and subject nevertheless to the Rents and Services thereby reserved or made payable, &c, *as in and by the before recited Charter, or Letters Patent, Reference thereto being had, doth and will more fully and at large appear.*

But forasmuch as the said Island of Capawock, *alias* Martha's Vineyard, *and the Island of* Nantuckett, *were for some time under the Rule and Government of the Province of* New-York, *and the Properties and Titles of the Lands upon the said Islands respectively, being derived and founded upon several Grants and Patents made and granted by the successive Governours of the said Province of* New-York ; *and so legal there according to the Constitution, Usage and Custom of the Government of the said* New-York. *And the Inhabitants and Proprietors of Lands within the said Island of* Capawock, *alias* Martha's Vineyard *and the Island of* Nantuckett, *for their better Quiet and Satisfaction, desiring this Court's Confirmation of the same :*

It is therefore declared and enacted by the Governour, Council, and Representatives, convened in General Assembly, and by the Authority of the same, That all Lands, Tenements, Hereditaments, and other Estates held and enjoyed by any Person or Persons, Towns or Villages within the said Islands of *Capawock*, alias *Martha's Vineyard* and *Nantuckett*, and each of them respectively, by or under any Grant or Estate duly made or granted by any former Government, or by the successive Governours of *New-York*, or any other lawful Right or Title whatsoever ; shall be by such Person or Persons Towns or Villages, their respective Heirs, Successors and Assigns for ever hereafter held and enjoyed, according to the true Purport and Intent of such respective Grant, under and subject nevertheless to the Rents and Services thereby reserved or made payable : And are hereby ratified and confirmed as fully and amply to all Intents, Constructions and Purposes, as the Lands in any other Parts or Places within this Province by Virtue of their Majesties Royal Charter.

CHAP. III.

An Act for encouraging the killing of Wolves.

Be it enacted by the Governour, Council and Representatives, convened in General Assembly, and by the Authority of the same, That whosoever hath since the fourteenth Day of *May*, one Thousand six Hundred ninety and two : or shall hereafter kill any grown Wolf within this Province, and bring the Head thereof unto the Constable of the Town in which such Wolf shall be killed, or to the Constable of the Town next Adjacent unto the Place of killing such Wolf, without the Bounds of any Township ; shall have a Receipt of the Constable for the same, and the Constable shall cut off both the Ears from such Head ; and the Party producing the Constables Receipt unto the Select-Men of the said Town, or some one of them, shall be allowed and paid out of the Town's Stock, the Sum of *twenty Shillings* for every Head as aforesaid of a grown Wolf by him kill'd, and the Sum of *Five Shillings* for every Wolf's Whelp.

Wolves to be paid for out of the Town Stock.

7 *W.* ca 5. 2 *G.* ca 4. continu'd to 1741.

And the better to furnish the Select-Men with a Stock sufficient to answer such Payments:

Select Men to Assess their Town yearly for this Occasion, to be reimbursed out of the publick Treasury.

It is further enacted by the Authority aforesaid, That the Select-Men of each Town respectively shall be and hereby are sufficiently authorized and impowred to assess the Inhabitants of their Town yearly, in due Proportion as near as they can, such Sum and Sums as they shall judge necessary to serve that Occasion, together with other Charges of the Town, and to cause the same to be collected in manner as is by Law directed for the gathering of Town Rates: And all such Sum and Sums of Money so paid out of any Town Stock, for the killing of Wolves (the same being made to appear,) shall be allowed unto such Town by the General Treasurer of the Province out of the publick Revenue.

Acts and Laws,

Passed by the Great and General Court or Assembly of the Province of the *Massachusetts-Bay* in *New-England*, begun and held at *Boston* the thirty-first Day of *May*, 1693. and continued by Adjournment unto the Sixth Day of *July* following.

CHAP. IV.

An Act for the Partition of Lands, &c. and the Recovery of Legacies at the common Law.

Partition of Lands betwixt Coparceners, &c. to be forced by the common Law.

Be it enacted by the Governour, Council and Representatives, convened in General Court, and by the Authority of the same, That all Persons having or holding, or that hereafter shall have or hold, any Lands, Tenements or Hereditaments, as Coparceners joint Tenants, or Tenants in Common, may be compelled by Writ of Partition at the common Law to divide the same; where the Parties cannot agree to make Partition thereof by themselves.

Provided, This Act shall not be understood to repeal, or any ways alter any Clause or Clauses in the Act, *For Regulating of Townships*, referring to undivided or common Lands.

Legacies to be recovered at the common Law.

And it is further enacted by the Authority aforesaid, That where any certain Legacy is or shall be bequeathed and given by any Person in his or her last Will and Testament; As also where any residuary or uncertain Legacy is, or shall by the Accompt of any Executor be reduced to a certainty; every such Legacy and Legacies as aforesaid, may be sued for, and recovered at the common Law; any Law, Custom or Usage to the contrary notwithstanding.

CHAP. V.

An additional Act for the punishing of criminal Offences.

WHEREAS the breach of sundry Criminal Laws of this Province, is only punishable by Fines, and many Times the Breakers of them have not Money to satisfy the same: Preamble.

Be it therefore enacted by the Governour, Council and Representatives, convened in General Assembly, and by the Authority of the same, That hence-forward it shall be in the Power of any Justice of the Peace, that shall have Cognizance thereof, to punish Breakers of the Peace, Prophaners of the Sabbath, and unlawful Gamesters, Drunkards, or prophane Swearers or Cursers, by setting in the Stocks, or putting into the Cage, not exceeding three Hours, or Imprisonment twenty four Hours, or by Whipping, not exceeding ten Stripes, as the Case may deserve; and where the Offender has not where-withal to satisfy the Law in that Case provided. Criminal Offences to be punish'd by sitting in the Stocks, &c. where the Offenders cannot otherwise satisfy the Law.

Acts and Laws,

Passed by the Great and General Court or Assembly of the Province of the *Massachusetts-Bay* in *New-England*, begun and held at *Boston* the eighth Day of *November*, 1693.

CHAP. VI.

An Act relating to Sureties upon mean Process in Civil Actions.

Be it enacted by the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, it is ordered and enacted, That where Bail is given upon mean Process in any Civil Action, not only for the Appearance of the Party to answer the Suit, but also to abide the Order or Judgment of the Court that shall be given thereon; every such Surety or Sureties shall be obliged to satisfy the Judgment in case of the Principals Avoidance, and the return of *Non est Inventus* upon the Execution; unless the Surety at the Time of entring up Judgment do bring the Principal into Court and move to be discharged; upon which the Court shall order the Keeper of the Prison to receive him into Custody, that so his Body may be taken in Execution. And the Party for whom the Judgment was given, may have a Writ of *Scire Facias* out of the same Court against such Surety or Sureties; and in case no just Cause be shewn to the contrary, the Judgment shall be affirmed against the Surety or Sureties with the additional Costs of Suit; and Execution shall be accordingly granted. Additional Act. 4 *A.* ca. 3. 2 *G.* ca. 11.

Always provided, That such Writ of *Scire Facias* be taken out and served upon the Surety within twelve Months after the first Trial, and not afterward. And every Surety of whom such Recovery is made, may bring his Action for Damages against the principal Debtor.

CHAP. VII.

An Act for passing of Sheriffs Accompts.

BE it enacted by the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That every Clerk of the Peace in each County within this Province and Clerk of Assize shall deliver unto the Sheriff of the County a perfect Estreat of all Fines, Issues, Amerciament, Recognizances, Monies and Forfeitures imposed, set, lost or forfeited in any Sessions of the Peace, Court of Assize and General Goal Delivery, or special Court of *Oyer* and *Terminer*, by any Person, due to their Majesties within the Space of thirty Days next after the ending of the said Courts respectively; and within the said Time shall deliver unto the Treasurer and Receiver General of the said Province, a perfect *Schedule* of all such Estreats by him delivered to the Sheriff; on pain of forfeiting to their Majesties for the Support of the Government, the Sum of *Five Pounds* for each Neglect, upon Conviction thereof before the Justices of the same Court. 12 & 13 *W.* ca. 8.

And the Justices of each of the said Courts respectively are hereby impowred to aduit, examine and adjust the said Accompts of the Sheriff, and upon Payment of what shall be found remaining due thereupon, to grant the Sheriff a *Quietus est*.

And whensoever any Sheriff upon passing his Accompts shall have his *Quietus est*, he shall be thereby absolutely discharged of all Sums of Money by him levied and received, and pretended not to be accompted for within the said Accompt, whereupon he had his *Quietus*; unless such Sheriff shall be called in Question for such Sum or Sums of Money so pretended to be levied, within two Years after the Time of such Accompt and *Quietus*.

CHAP. VIII.

An Act for regulating of the Militia.

Preamble. *WHEREAS for the Honour and Service of their Majesties, and for the Security of this their Province against any Violence or Invasion whatever; it is necessary that due Care be taken that the Inhabitants thereof be armed, trained, and in a suitable Posture and Readiness for the Ends aforesaid; and that every Person may know his Duty and be obliged to perform the same:*

Be it therefore enacted by his Excellency the Governour, Council and Representatives, in General Court assembled, and it is ordained and enacted by the Authority of the same,

Persons liable to Train. 1. That all Male Persons from *sixteen* Years of Age, to *sixty*, (other than such as are herein after excepted) shall bear Arms, and duly attend all Musters and Military Exercises of the respective Troops and Companies where they are lifted or belong; allowing three Months Time to every Son next after his coming to *sixteen* Years of Age; and every Servant so long, after his Time is out; to provide themselves with Arms and Ammunition, *&c.*

Clerk to take a List four times a Year. 2. And the Clerk of each Troop and Company once a Quarter yearly, shall take an exact List of all Persons living within the Precincts of such Troop or Company, and present the same to the Captain or Chief Officer, on pain of forfeiting *forty Shillings* for each Default, to be paid to the Captain or chief

chief Officer to the Use of the Company. And in case of Non-Payment, to be levied by Distress and Sale of the Offenders Goods, by vertue of a Warrant from the Captain or chief Officer; who is hereby impowred to grant the same.

Persons to attend Duty where listed till orderly dismist.

3. That every Person listed in any Troop or Company shall so continue and attend all Duty in such Troop or Company; or otherwise suffer the Penalty by Law provided; until orderly dismist or removed out of the Town or Precinct. And in case of removal into the Precinct of another Company in the same Town, to produce a Certificate under the Hand of the Captain or chief Officer of the Precinct whereto he is removed, that he is listed there.

Penalty on such as shall Shift to avoid listing.

4. If any Person liable to be listed as aforesaid, do exempt himself by shifting from House to House, or Place to Place, to avoid being so listed; he shall pay as a Fine for every such Offence, to the Use of the Company to which he belongs, *Ten Shillings*, being convicted before any Justice of the Peace of the County.

Foot Soldiers, how to be armed.

11 *A.* ca. 4.

5. That every listed Soldier and other Housholder (except Troopers) shall be always provided with a well fixt Firelock, Musket, of Musket or Bastard Musket bore, the Barrel not less than three Foot and a half long; or other good Fire Arms to the Satisfaction of the Commission Officers of the Company; a Snapsack, a Collar with twelve Bandaliers, or Cartouch-Box; one Pound of good Powder, twenty Bullets fit for his Gun; and twelve Flints; a good Sword or Cutlash, a Worm and Priming-Wire fit for his Gun: On Penalty of *six Shillings* for want of such Arms as is hereby required, and *two Shillings* for each other defect, and the like Sum for every four Weeks he shall remain unprovided: The Fines to be paid by Parents for their Sons under Age, and under their Command; and by Masters or Heads of Families, for their Servants, other than Servants upon Wages.

Troopers, how to be furnished.

6. That every Trooper shall be always provided with a good serviceable Horse of Five Pounds Value, and not less than fourteen Hands high, (the same to be determined by the two chief Commission Officers) covered with a good Saddle, Bit, Bridle, Holsters, Pectoral and Crooper; and furnished with a Carbine, the Barrel not less than two Foot and half long, with a Belt and Swivel; a Case of good Pistols; with a Sword or Cutlash; a Flask or Cartouch-Box; one Pound of good Powder, three Pounds of fizable Bullets, twenty Flints, and a good pair of Boots and Spurs; on Penalty of *twelve Shillings* for want of such Horse as is hereby ordered, and *three Shillings* a Piece for every other Defect, and the like Sum for every six Weeks he shall remain unprovided: And that each Trooper list his Horse, and shall not dispose thereof without the Consent of his chief Officer; on the Penalty of *Five Pounds*: And for Non-Appearance at the Time and Place appointed for Exercise, every listed Trooper for each Days Neglect, shall pay *ten Shillings* Fine.

7. That there may be two Troops in a Regiment, each of which Troops shall not exceed sixty Men with Officers.

Regimental Musters, and training of particular Companies.

8. That Regimental Musters shall be but once in three Years, (except in *Boston.*) And every Captain or chief Officer of any Company or Troop in any Regiment, shall be obliged on Penalty of *Five Pounds*, to draw forth his Company or Troop, or cause them to be drawn forth four Days annually, and no more, to Exercise them in Motions, the Use of Arms, and shooting at Marks, or other Military Exercises, which every Person liable to Train, having been duly warned, and not appearing and attending the same, shall for each Days Neglect, pay a Fine of *Five Shillings*.

9. That

Commission Officers Power.

9. That the Commission Officers of any Company or Troop, or the major Part of them, may order the correcting and punishing Disorders and Contempt on a training Day, or on a Watch; the Punishment not being greater than laying Neck and Heels, riding the Wooden Horse, or *ten Shillings* Fine.

Military Watches. 11 *W.* ca. 7. 11 *A.* ca. 6.

10. That there be Military Watches appointed and kept in every Town at such Times, in such Places, and in such Numbers, and under such Regulation as the chief Military Officers of each Town shall appoint, or as they may receive Orders from the chief Officer of the Regiment: And that all Persons able of Body, or that are of Estate (and not exempted by Law) shall by themselves or some meet Person in their Stead, to the Acceptance of the Commander of the Watch, attend the same; on Penalty of *Five Shillings* for each Defect; there having been due Warning given.

Penalty for not attending Military Exercises.

11. Every Soldier or other Person liable by Law, refusing or neglecting to attend Military Exercises, on training Days; or Military Watches, that shall not pay, or have no Estate to be found whereon to levy the Fine; it shall be in the Power of the Captain, or chief Officers of such Company on the next training Day after such Neglect (he not having satisfied the Clerk) to punish him for such Offence, by laying Neck and Heels, or riding the Wooden Horse, not exceeding one Hour's time: And if such Delinquent shall absent himself the second training Day, without giving sufficient Reason to the Captain, or chief Officer for the same; it shall be in the Power of the chief Officer of the Company to direct a Warrant to the Constable of the Town, requiring him to apprehend such Delinquent, and bring him into the Field, that he may be punish'd according as by this Law is provided: And all Constables are hereby required to execute such Warrant accordingly.

Persons exempted from training.

12. That the Persons hereafter named be exempted from all Trainings, *viz.* The *Members of the Council*, the *Representatives* for the time being, the *Secretary*, *Justices of the Peace*, *President*, *Fellows*, *Students*, and *Servants of Harvard College*, exempted by *College-Charter*, *Masters of Art*, *Ministers*, *Elders and Deacons of Churches*, *Sheriffs*, allowed *Physicians*, or *Surgeons*, and profest *School-Masters*, all such as have had Commissions, and served as Field-Officers, or *Captains*, *Lieutenants*, or *Ensigns*, *Coroners*, *Treasurers*, *Attorney General*, *Deputy Sheriffs*, *Clerks of Courts*, *Constables*, constant *Ferrymen*, and one *Miller* to each *Grist-Mill*, *Officers* employed in and about their Majesties *Revenues*, all *Masters of Vessels* of thirty Tons and upwards, usually employed beyond Sea; and constant *Herdsmen*, *Lame Persons*, or otherwise disabled in Body (producing Certificate thereof from two able *Surgeons*) *Indians* and *Negroes*.

1 *A.* ca. 1.

Persons exempted from Military Watches, &c. 11 *W.* ca. 7.

13. That the Persons hereafter named be, and hereby are exempted from Military Watches and Wardings, *viz.* The *Members of the Council*, *Secretary*, *Representatives* for the Time being, *President*, *Fellows*, *Students of Harvard-College*, and the *Gentlemen belonging to the Troop of the Governour's Guard*, *Ministers*, and *Elders of Churches*, allowed *Physicians* and *Surgeons*, *Constables*, constant *Ferrymen*, and one *Miller* to each *Grist-Mill*.

Commission Officers to appoint Serjeants & Corporals.

14. That the Captain and Commission Officers of each Company or Troop shall and hereby are fully impowred to nominate and appoint meet Persons to serve as Serjeants and Corporals in the respective Companies or Troops; and to Displace them, and appoint others in their Room, as they shall see meet.

View of Arms.

15. That twice every Year, or oftner if required, every Captain or chief Officer of each Company or Troop, shall give order for a diligent Inquiry into the State of his Company, and for taking an exact List of the Names of his Soldiers,

Soldiers, and Inhabitants within the Limits of his Company, and of the Defects of Arms or otherwise, and Names of the defective Persons; that they may be prosecuted as the Law hath provided, and such Care may be taken as is proper to remedy the same.

How Persons unable to purchase, Arms may be provided.

16. That if any Person who is by Law obliged to provide Arms and Ammunition, cannot purchase the same by such Means as he hath; if he bring to the Clerk of the Company, Corn or other Merchantable Provision, or vendible Goods, so much as by Apprizement of the Clerk and two other Persons mutually chosen, shall be judged of greater Value by one fifth Part than such Arms or Ammunition is of; he thereupon shall be excused from the Penalties for want of Arms and Ammunition, until he can be provided, which the said Clerk shall provide as soon as may be by Sale of such Goods, and render the Overplus to the Party, if any be: But the Party shall notwithstanding give his personal Attendance upon all Occasions as other Soldiers, until he be supplied, and at such times shall perform any proper Service he may be put upon by the Captain or Chief Officer of the Company he belongs to. But if the Person be judged unable to buy Arms, or to lay down the Value proposed; if he be a single Man, he shall be put out to Service by the two next Justices of the Peace, to earn wherewith to buy Arms and Ammunition. If such Person have a Family and be judged unable by the Captain and major Part of the Select-Men to lay down such Value for the End aforesaid, then he shall be provided for out of the Town Stock, or by Arms procured at the Town's Charge, until such time as he be judged able to provide for himself. And such Arms to be under the Care of the chief Military Officer and the Select-Men of the Town.

How Drums, Trumpets, &c. are to be provided.

17. That Drums, Drummers, Trumpets, Trumpeters, Colours and Banners, be by the Commission Officers of each Troop or Company provided at the Charge of the respective Companies and Troops where they are not already provided, and the Fines will not reach to procure the same; and that such as have been imployed as Drummers or Trumpeters, or are fit and capable thereof, being appointed unto such Service by the chief Officer of any Company or Troop, shall attend the Service, on Penalty of *Forty Shillings* Fine: And every Drummer for a Year's Service shall have *Twenty Shillings*, if he find his own Drum; and *Ten Shillings*, if the Captain finds the Drum. And a Trumpeter *Forty Shillings* a Year if he finds his own Trumpet; and *Twenty Shillings*, if the Captain finds it.

11 *W.* ca. 4.

Penalty for refusing to serve as Clerk.

18. That such meet Person as by the Commission Officers of any Company or Troop shall be appointed Clerk, and shall refuse to serve, shall pay *Forty Shillings* Fine, and another be chosen in his Room, and so until one do accept: Which Person shall be under Oath for the faithful Discharge of his Office, to be administred unto him by a Justice of Peace in the same County, in the Words following.

Oath.

YOU do swear truly to perform the Office of Clerk of the Military Company under the Command of A. B. *Captain, to the utmost of your Skill and Power in all Things appertaining to your Office according to Law.* So help you God.

Allowance & Distress for Fines.

And for every Distraint made for any Fine not exceeding *Forty Shillings*, he shall have one Quarter Part for his Pains and Trouble. And for such Fines he may distrain *Ex Officio*; and in distraining shall observe such Rules as the Law hath provided in other Cases; and upon ten Days Notice shall account with and pay to the Captain or chief Officer what Fines he hath received, his own Part being deducted.

19. The

Meeting of the chief Officers of the Regiment.

19. The chief Military Officer of each Regiment as often as he shall see Cause, shall require the Captain or chief Officer of each Company in his Regiment to meet at such Time and Place as he shall appoint, and then with them to confer and give in Charge such Orders as shall by them, or major Part of them be judged meet, for the better ordering and settling their several Companies, and for the better promoting of Military Discipline amongst them. And the chief Officer is hereby impowered by his Warrant directed to any Clerk or Officer of his Regiment, to Summon or cause to be brought before them any Offender against the Laws Military, and according to Law to hear and determine all Matters proper for their Cognizance, and to give Sentence, and to grant Mittimus, or Warrants for Distraint to the Clerk of the Company where the Offence is committed, for executing which Warrant, if above *Forty Shillings*, he shall have *ten Shillings* out of the same for his Pains and Trouble there, and no more.

Their Power.

Town Stock of Ammunition, &c.

20. That there be a Stock of Powder and Ammunition in each Town provided, and from time to time as there is need be renewed by the Select-Men; which shall be a Barrel of good Powder, two hundred Weight of Bullets, and three hundred Flints for every sixty listed Soldiers, and after that Proportion for the listed Soldiers of each Town, whether more or less: Also that the Select Men procure such a Number of Arms, and so much Ammunition as shall be made to appear by the chief Commission Officers of each Company in the several Towns to be needful for the Supply of such Poor as by Law they are to provide for. And such Town as cannot make it appear to the chief Commander of the Regiment that they are thus provided, at or before the first of *May* next, shall pay *Five Pounds* Fine, which shall be distrained by Warrant from the said Officer, directed unto the Constable upon the Select-Men of the Town, or any of them; and disposed of for the Use of the said Town towards the Supply of such Stock: And the like Sum for every three Months they shall remain so unprovided.

Penalty for being unprovided.

Select Men to make a Rate for buying of Ammunition, &c. in case.

21. And the Select-Men where there is not a sufficient Stock of Powder, Arms and Ammunition, and in such Towns where there is need of Watch-Houses, firing and Candles for their Watches; in such Case the Select-Men for so much as is wanting, are to procure or supply what is required or needed as before, and shall make Provision for the same by a Rate, equally and justly laid upon the Inhabitants and Estate in such Towns, and such Rate signed and committed by them to the Constables to collect, who shall, and hereby are required and authorized to collect the same; and for Non-Payment to distrain as for other Rates: And the Money or Pay collected to be brought in to the chief Military Officers and Select-Men of the Town, to be by them improved for the Ends aforesaid. And the Select-Men, or so many of them as shall neglect their Duty herein, shall pay *twenty Shillings* Fine, to be paid to the Captain for the Use of the Company, being convict before two Justices of the Peace, who are hereby impowered to convent the Party, and to hear and determine the same, and if need be, to appoint other meet Persons in such Towns under the like Penalties to perform the said Service.

Penalty for Neglect.

Clerks *Ex Officio*, not to distrain within Four Days. Penalty for his neglect to account, &c.

22. That no Clerk *Ex Officio* make distraint for any Fine until four Days after the Offence committed, that so the Party may have Opportunity to make excuse, if any he have, why he should not pay the Fine. And every Clerk that neglects or refuses to Account or make Payment, as by this Law is provided, he, by a Warrant from the chief Officer of the Company directed to the Constable, may be distrained on for so much as he hath or should have collected or distrained for.

23. That all Officers yield Obedience to the Warrants or Commands of their Superiour Officers, on Penalty of *Five Pounds*; to be heard and determined at the next Meeting of the chief Officers and Captains of the Regiment: And the Fine to be taken by Diſtreſs and Sale of the Offenders Goods, (returning the Over-plus if any be) by Warrant from the chief Officer of the Regiment, directed to the Clerk of the Company to which ſuch Offender belongs, and to be improved to the Uſe and Benefit of ſuch Company as the Officers ſo met ſhall agree, their Expences being firſt defrayed out of the ſame. Penalty for Officers diſobeying their Superiour Officers.

24. That an Alarm at the Caſtle upon Caſtle-Iſland near *Boſton*, being made upon ſuch Cauſes as are agreeable to Inſtructions to be given by the Governour to the Captain of the Caſtle, ſhall be by putting out two Flaggs, and firing of two Guns towards the Town; at which time there ſhall with all poſſible ſpeed ſuch Numbers be ſent down for their Relief, as the Governour and Captain General, or ſuch Perſon as ſhall be Commander in Chief in his Abſence ſhall think neceſſary. At any other Place, an Alarm may be made by firing three Guns one after another, or by firing a Beacon, their Drums beating an Alarm, all Perſons being called upon to Arm: Upon which all the trained Soldiers, and others capable to bear Arms that are then Reſident in any Town, ſhall forthwith appear compleat with their Arms and Ammunition according to Law, at the uſual Place of Rendezvous, or where the chief Officers ſhall appoint; there to attend ſuch Commands as ſhall be given for their Majeſties Service, and that on the Penalty of *Five Pounds* Fine, or three Months Impriſonment. The Members of the Council, Juſtices and Sheriffs to attend upon the Governour, if at or near *Boſton*; and in other Places, to appear and adviſe with the chief Military Officers of the Town, and to be aſſiſting in their Majeſties Service according to their Quality. And ſuch Alarms ſhall at all Times be carried on from Neighbourhood to Neighbourhood, and from Town to Town throughout the Province; and from ſuch Town where the Alarm is made, there ſhall be forthwith diſpatched one or more Horſe-Men, to ſignify the Occaſion thereof to the Juſtice of Peace, chief Military Officer, or Conſtable of the next Town or Towns, which all Perſons are to take Notice of and attend as is before directed: And if the Alarm be made either from a Sea-Port Town, or other Town that lies a Frontier to, or in great Danger of the Enemy, the Captain or Captains of the adjacent Towns, ſhall forthwith go with or ſend ſuch Relief as they ſhall judge meet for the Offence of the Enemy, or Defence of themſelves and Neighbours; but ſo as to be obſervant to any Commands or Orders they may receive from their Superiour Officers. And if any Perſon ſhall wilfully make a falſe Alarm, he ſhall be fined to their Majeſties *Twenty Pounds*, for ſupport of the Government; or ſuffer ſix Months Impriſonment. Alarm. Penalty for not appearing upon an Alarm. Relief to be ſent to the Frontiers. Penalty for a falſe Alarm.

25. No Officer Military or Civil, or other Perſon ſhall Quarter or Billet any Soldier or Seaman upon any Inhabitant within this Province, without his Conſent (other than the publick licenſed Houſes) under the Penalty of *one Hundred Pounds*; to be recovered by Action, Bill, Plaint or Information, in any Court of Record; one half to their Majeſties, for the Support of the Government; the other half Part to the Party grieved that ſhall inform and ſue for the ſame. And every ſuch Inhabitant may refuſe to Quarter any Soldier or Seaman notwithſtanding any Order whatſoever. Penalty for Quartering Soldiers, &c. upon Inhabitants.

26. That all Perſons exempted by this Law from Trainings, ſhall notwithſtanding be provided with Arms and Ammunition compleat, upon the ſame Penalty as thoſe that are obliged to train.

Fines & Forfeitures how to be disposed & recovered.

27. All Fines, Penalties and Forfeitures arising by Virtue of this Act, or any Breach thereof (not otherwise disposed of therein) shall be for the Use of the Regiment, Company, or Troop respectively: *That is to say*, for procuring and repairing Drums, Trumpets, Colours, Banners, Halberts, paying of Drummers and Trumpeters, or other Charge of the said Company; and the Overplus (if any be) to be laid out in Arms and Ammunition for a Town Stock; and be recovered by Action, Bill, Plaint or Information, in any of their Majesties Courts of Record.

CHAP. IX.

An Act for putting and keeping in Repair the Town-House in *Boston*.

Preamble.

WHEREAS the Town-House in Boston *within the County of* Suffolk *has formerly been, and is still continued to be made Use of for the holding of Councils, Courts of Judicature, and other publick Assemblies for the whole Province; and has been accustomed to be upheld and repaired, in Part at the Charge of the late Colony of the* Massachusetts, *Part at the Charge of the said County, and Part at the Charge of the said Town:*

Charge of repairing the Town House in *Boston* proportioned.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That the Charges of repairing the said House, be from time to time continued to be answered and paid in Proportion following; *That is to say*, One half Part thereof out of the publick Revenue of the Province; one Quarter Part out of the Treasury of the said County; and the other Quarter Part out of the Treasury of the said Town. And the Select-Men of *Boston*, from time to time as there shall be need, are to take Care that the said House be sufficiently repaired, and to lay the Accompt of the Charge before the Governour and Council; as also before the Justices in Quarter Sessions, that so Orders may be respectively given, as well for Payment of the Part belonging to the Province, as that belonging to the County, according to this Act.

CHAP. X.

An Act for High-Ways.

Preamble.

FOR the better amending and keeping in Repair and Clear, the High-Ways, and common Roads, leading from Town to Town, and Place to Place; and for laying out new High-Ways, and turning old High-Ways where it shall be needful:

Surveyors of High-Ways to be Annually Chosen and Sworn.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That there be Annually chosen two or more Freeholders in each Town respectively within this Province, to be Surveyors of the High-Ways, who shall be Sworn before some Justice of the Peace in the County, diligently and faithfully to perform the said Office for the Year ensuing; which Surveyors shall take Care that all High-Ways, Private-Ways, Causeys and Bridges lying within the Precincts

See 11 G. ca. 4.

Precincts of such Town, be kept in Repair, and amended from time to time, when and so often as shall be needful, at the Charge of such Town (where it is not otherwise settled) that so they may be safe and convenient for Travellers, Teams, and Drovers: And the Surveyers are hereby impowred to cut down, dig up, or remove, as well all sorts of Trees, Bushes, Stones, Fences, Rails, Gates, Inclosures, or other Thing or Things, as may any Way straiten, hurt hinder or incommode the High Ways: As also to dig for Stone or Gravel, Clay, Marl, Sand or Earth, in any Land not planted or inclosed; and to press any Carriage, Work-Men, or other Things fit to be employed in the High-Ways, for such reasonable Satisfaction to the Parties concerned as such Surveyers can agree for; and in case of Disagreement, such as the two next Justices shall appoint. Their Power.

And the Surveyers shall appoint certain Days for providing Materials and Working in the High-Ways; having respect to the Season of the Year, and the Weather, and giving convenient publick Notice; at which Days all Persons liable to Work, (*That is to say*, from sixteen Years old and upward) by themselves, or other sufficient Persons in their stead, shall attend: And if any Person make Default of attending the said Work, by himself, or other sufficient Person in his stead; or with his Cart and Team, as he shall be appointed; upon Complaint and Proof thereof before the next Justice of Peace, without reasonable Excuse made, and allowed by such Justice, he shall cause to be levied of every such Offenders Goods, the Sum or Penalty of *two Shillings*, *six Pence*, for each Day's Neglect of Labour, besides the Charge of making Distress; and for default of their Cart and Team *six Shillings per Diem*, with Charge of Distress as aforesaid. Surveyers to give publick Notice for Working on the High-Ways. Penalty for Non-Attendance.

And further it is enacted by the Authority aforesaid, That where a new High-Way or common Road from Town to Town, or Place to Place shall be wanting, and where old Ways with more Conveniency may be turned or altered; upon Application made to the Justices in Quarter Sessions, within the same County, the said Court may appoint a Committee of two or three sufficient Freeholders of the next Towns, who shall have most Occasion of the said Way, to enquire into the Necessity and Conveniency thereof, and to make their Report thereon; and being judged to be of common Necessity or Conveniency, the Justices of the said Court shall order a Warrant to the Sheriff or his Deputy, to summon a Jury out of the next Towns, to meet at some convenient Day and Place therein mentioned, to View and lay out such High-Ways or Roads, who shall have an Oath administred unto them by a Justice of Peace, to lay out such Way, according to the best of their Skill and Judgment, with most Conveniency to the Publick, and least Prejudice or Damage to any particular Person; which having done, the Sheriff or his Deputy, is to make Return thereof, at the next Court of Quarter Sessions of the County where the same Way is, as well under his own as the Hands of the Jurors, by whose Oath the same is laid out; to the End the same may be allowed and Recorded, and after known for a publick High-Way. Quarter Sessions to give order for laying out New High-Ways, or altering old ones.

Provided, That if any Person be thereby damaged in his Propriety or improved Gounds, the Town shall make him reasonable Satisfaction, by the Estimation of those that laid out the same: And if such Person so damaged, find himself agrieved by any Act or Thing done by the Jury, either in laying of the said Way, or Estimate of his Damages, he may apply unto the Court of Quarter Sessions for Relief, before any Allowance or Determination be made by them; who are hereby impowred to hear and determine the same. But if no sufficient Cause appear for Complaint, he shall pay all Charges arising thereby. Damage in Proprieties to be made good.

And be it further enacted, That the Select-Men of each Town respectively, be, and are hereby impowered, by themselves, or others whom they shall appoint; to lay out or cause to be laid out, particular and private Ways for such Town only, as shall be thought necessary; so as no Damage be done Select-Mens Power to lay out private Ways. 12 *A.* ca. 6.

Recompence for Damage.

to any particular Person, in his Land or Propriety, without due Recompence to be made by the Town; as the Select-Men and the Party interested may agree; or as shall be ordered by the Justices in Quarter Sessions, upon Inquiry into the same by a Jury to be summoned for that Purpose.

And it is further enacted, That if any Person or Persons shall erect and set up any Gates, Rails or Fence upon or across any High-Way or Country Road, or continue any such to the Annoyance and Incumbrance of the same, (other than such as shall be allowed by the Court of Quarter Sessions within the County) it shall be deemed a common Nusance; and it shall be lawful for any Person or Persons to pull down and remove the same: And if any such Incumbrance be in any particular or private Way, allowed and settled by any Town, upon Complaint thereof made to the next Justice of the Peace, he shall appoint a Committee of two or more discreet and indifferent Persons to view such Incumbrance, and cause the same to be removed: And if any Person be aggrieved at the Removal of any such Gate, Bars or Fence, he shall be heard at the Quarter Sessions within the same County, and upon just Cause shewn, shall be by them relieved.

Nusance upon High-Way to be removed. 10 *W.* ca. 1.

And be it further enacted by the Authority aforesaid, That if through Neglect or not keeping in sufficient Repair any High-Way, Causey, or Bridge; any Person happen to lose his Life in passing any such High-Way, Causey, or Bridge, or lose a Limb, break a Bone, or receive any Bruise or Breach in any Part of his Body, through any Defect in, or want of necessary Repair of such High-Way, Causey, or Bridge; the County or Town respectively to which of Right it belongs to maintain and keep the same in Repair, having been warned or notified of such Defect and need of Repairs and Amendment thereof, either in Writing under the Hand of two Witnesses, or by Presentment thereof made at the Sessions of the Peace; shall pay unto the Parents, Husband, Wife, Children or next of Kin to any Person so losing his or her Life, the Sum of *one Hundred Pounds*; and for any other Harm as aforesaid, double the Damage sustained thereby; to be ordered and set upon them by the Justices of the same County in Quarter Sessions; who are hereby impowred thereto; and to render like Recompence for any Carriage, Cart, Horse, or other Beast harmed or lost, proportionable to the Damage suffered.

Damage happening through Defects in Ways or Bridges to be made good by the County or Town.

Penalty on Surveyers refusing to accept, or neglecting their Duty.

And if any Person chosen a Surveyer, shall refuse to accept and take his Oath, he shall forfeit *Twenty Shillings*; and having accepted do neglect his Duty, shall forfeit for every Neglect *Five Pounds*: The said Forfeitures respectively to be to the Use of the Town; and to be recovered by Complaint before the next Justice of Peace, or at the Sessions of the Peace in the same County.

No Person to be charged above a due Proportion to the High-Ways, either in Labour or Teams.

CHAP. XI.

An Act for regulating of Fences, Cattel, &c.

Preamble.

FOR the better preventing of Damage in Corn-Fields, and other improved and common Lands, by Horses, Neat Cattel, Sheep or Swine, going at large:

Fence-Viewers to be chosen and Sworn. 10 *W.* ca. 9.

Be it enacted by the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That in every Town and Peculiar within this Province, there be annually chosen by the Inhabitants thereof (at the time of their Meeting, to choose Select-Men and other Town Officers) two or more meet Persons, to be Viewers of Fences; who shall be Sworn before a Justice of Peace, to the faithful Discharge of their Office,

Office, in the Particulars committed to their Care by this Act: As also two or more Persons for Haywards or Field-Drivers. And that all Fences of four Foot high, being of five Rails, or four that are equivalent, Boards, Stone-Wall, Brooks, Rivers, Ponds or Cricks equivalent thereto, in the Judgment of the Fence-Viewers, shall be accounted sufficient Fences: And all Fences in common Fields and other Grounds under Improvement, that shall be judged insufficient by the Fence-Viewers, and Notice thereof given to the Party that of Right ought to maintain the same; he shall sufficiently repair and amend all Defects therein within the Space of six Days next after such Notice given him: And in Case of his Neglect, the Fence-Viewers are hereby impowered and ordered forthwith to cause such defective Fence or Fences to be sufficiently made up and repaired; and the Person or Persons to whom it belongs to make good such Fence, shall pay double the Cost and Charge expended for doing of the same. And in case of refusal or neglect to make Payment as aforesaid, by the Space of one Month next after an Account presented, and Demand thereof made; such Fence-Viewers may recover the same by Action, Plaint or Information, to be brought before any Justice of the Peace within the same County, if the Sum exceed not *Forty Shillings*; but if it be above that Sum, then in the Inferiour Court of Common Pleas.

Haywards or Field-Drivers.

Fences of four Foot high to be accounted sufficient.

Penalty for not repairing insufficient Fence.

How to be recovered.

And it is further enacted by the Authority aforesaid, That no Persons other than Proprietors and Freeholders in any Town or Peculiar, shall let any Horse or Horse-kind run to feed upon any common Land belonging to such Town or Peculiar, and every such Proprietor and Freeholder may keep one Horse-Beast upon the Common and no more; except such Proprietors and Freeholders, every of whom have a rateable Estate within such Town or Peculiar, of the Value of *Fifty Pounds*, they to have the Privilege of two and no more.

None but Proprietors & Freeholders to have any Horse run to feed on the Common.

And the Owners of all Horse-kind going upon the Common, are required to cause the same to be entered with the Town-Clerk, who is to keep a Book for that Purpose, and therein set down as well the natural as artificial Marks, and for every such Horse or Horse-kind, shall pay a Fee of *Three Pence* to the Clerk for his entry: Such entry to be made at or before the tenth Day of *April* next, and so annually; on Pain that every Person neglecting so to do, shall forfeit and pay the Sum of *Ten Shillings* for each default. And if any Freeholder or Proprietor shall desire to put more Horses upon the Common than is herein before allowed, he shall first repair to the Town Clerk, and make entry of the Number and Marks thereof as aforesaid, and pay the Fee as aforesaid for every such Entry, as also the Sum of *Five Shillings per Head, per Annum*, to the Use of the Proprietors of such Commons, on pain of forfeiting the Sum of *ten Shillings per Head* for such Neglect.

Horses going on the Common, to be entered with the Town Clerk.

And every Town and Peculiar within this Province are required to choose annually two meet Persons to see to the due Observance of this Act relating to Horses, and to prosecute the Breakers thereof: And if any Person so chosen shall refuse to serve, or neglect his Duty in any of the Particulars herein committed to his Care, he shall forfeit and pay the Sum of *twenty Shillings* to the Use of such Town.

Persons to be annually chosen, to see to the Observance of this Act.

And the Town Clerk of each Town respectively shall once in the Year give an Account and pay in to the Select-Men of the Town so much as he shall receive by Virtue of this Act for any Horse-kind going upon the Common.

Town Clerk to account annually.

All Penalties and Forfeitures arising for Breach of this Act relating to Horses going upon the Common, shall be one Moiety thereof unto the Use of the Persons to be appointed to see to the Observance of this Act, and the other Moiety to him or them that shall inform and sue for the same, before any Justice of the Peace within the County.

Penalties and Forfeitures how to be disposed.

And

Swine, to be yoked and ringed.

And be it further enacted by the Authority aforeſaid, That all Swine going at large on the Commons, ſhall be ſufficiently yoked, from the firſt of *April* to the fifteenth of *October* yearly; and ringed in the Noſe all the Year. And if any Swine be found unyoked or unringed, their Owners ſhall be liable to pay *ſix Pence per* Head; and if found Damage feaſant being unyoked or unringed to pay *Twelve Pence per* Head, over and above double Damages to the Party injured. And the Hayward or Field-Driver or any other Perſon may take up and impound ſuch Swine.

Fee for impounding.

And that there be paid unto the Hayward or Field Driver, *one Shilling* per Head for all Neat Cattel or Horſes, and *three Pence* per Head for all Sheep and Swine by him impounded: And to the Pound-keeper *two Pence* per Head for all Neat Cattel or Horſes, and *one Penny* per Head for all Sheep or Swine, for taking in and letting out, to be paid by the Owners of ſuch Creatures.

Penalty for Sheep going on the Common without a Keeper.

And that for every Sheep in every Town going on the Commons without being under the Hands of a Shepherd, from the firſt of *May* to the laſt of *October*, in every Year; the Owners or Keeper of the ſaid Sheep ſhall pay the Sum of *three Pence* for every Sheep at any Time ſo found running on the Common, not under the Hand of a Shepherd or Keeper, betwixt the firſt of *May*, and laſt of *October* Yearly.

CHAP. XII.

An Act for *Briſtol* Fair.

Preamble.

WHEREAS the General Court of the late Colony of New-Plymouth *did in the Year of our Lord one Thouſand ſix Hundred and eighty; grant unto the Inhabitants of the Town of* Briſtol *within the ſaid Colony, that they ſhould have Liberty of keeping two Fairs in the ſaid Town of* Briſtol *annually for ever, one upon the third* Wedneſday *and* Thurſday *in* May, *and the other upon the third* Wedneſday *and* Thurſday *in* November; *And it being found by Experience that two Day is not ſufficient for the tranſacting the Buſineſs of the ſaid Fair; and that ſo late in* November *is inconvenient both with Reſpect to Perſons coming, it being many Times very bad Weather, and the chief Time for ſelling fat Cattel being ſooner:*

Times for Holding *Briſtol* Fair.

Be it therefore enacted by the Governour, Council and Repreſentatives, convened in Great and General Court, and it is hereby enacted by Authority of the ſame, That from henceforth the ſaid Fair ſhall be kept and held in *Briſtol* aforeſaid within this Province, upon the third *Wedneſday*, *Thurſday* and *Friday* in *May*, and on the third *Wedneſday*, *Thurſday* and *Friday* in *October* annually for ever, and at no other Time; any Law, Cuſtom or Uſage to the contrary notwithſtanding.

CHAP. XIII.

An Act for Regulation of Seamen.

Preamble.

WHEREAS great Loſs and Damage is frequently occaſioned to Trade and Navigation by Seamen deſerting their Employ or Voyage they are entered upon; or being taken off from the ſame by Arreſt and Reſtraint for Debt, or pretence thereof:

For Remedy whereof:

It

It is declared and enacted by the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That if any Innkeeper, Victualler, Seller of Wine or strong Liquors, Shop-keeper, or any other Person whatsoever, shall trust or give Credit to any Mariner or Seaman belonging to any Ship or other Vessel, without the Knowledge and Allowance of the Master or Commander thereof; no Process or Attachment for any Debt so contracted without Knowledge and Allowance as aforesaid, shall be granted against or served upon such Mariner or Seaman, until he shall have performed the Voyage he is then entered upon, and be discharged of the same: And every Process granted contrary hereunto, and serving thereof, shall be deemed and adjudged utterly void in Law: And any Justice of the Peace within the same County before whom it shall be made appear, that any Mariner or Seaman belonging to any Ship or Vessel, is committed or restrained upon Process granted for any Debt or Pretention of Debt made whilst such Mariner or Seaman was engaged and actually entred and in pay on any Voyage, shall forthwith order his Releafe.

No Mariner or Seamen to be arrested for any Debt made whilst he belongs to a Ship, &c.

And be it further enacted by the Authority aforesaid, That if the Master or Commander of any Ship or other Vessel, shall ship any Seaman, knowing him to be first entertained and ship'd on Board another Ship or Vessel, or after Notice thereof given him, shall not forthwith dismiss him; every such Master or Commander so offending, being thereof convicted, shall forfeit and pay the Sum of *Five Pounds*; one Moiety thereof to the Use of the Poor of the Town where the Offence was committed, and the other Moiety to him or them that shall inform and sue for the same, by Action, Bill, Plaint or Information in any Court of Record; and such Seaman so shipping himself, shall forfeit and pay the Value of one Months Wages that he shall so agree for, to be recovered, employed and disposed of in manner as aforesaid.

Penalty on Masters Shipping Seamen first entertained on board another Ship, &c.

Seamans Penalty.

And further it is enacted, That if any Mariner or Seaman having ship'd himself on Board any Ship or other Vessel to proceed in any Voyage, and under pay (the same being made to appear by his Hand set to the Master's Book, or other Writing of such Agreement) shall neglect his Attendance and Duty on Board, and absent himself from his said Service, upon Complaint thereof made to any Justice of the Peace within the same County, such Justice is hereby impowered to convent such Mariner or Seaman before him; and upon Conviction of his so absenting himself as aforesaid, to commit him to Prison, that so he may be secured and forth-coming to proceed on the Voyage he has so agreed to, and to be delivered by Order of the Justice that committed him, or some other Justice in the same County.

Seamen deserting their Service to be Imprisoned.

CHAP. XIV.

An Act to prevent Default of Appearance of Representatives to serve in the General Assembly.

WHEREAS there has been a Neglect in some Sheriffs in Observance of their Majesties Writ to them directed, for the convening and holding of a Great and General Court or Assembly, timely to issue forth their Precepts unto the several Towns within their Bailiwick *or* Precinct, *for the choosing of Representatives to serve in the Great and General Court or Assembly, and have also not taken due Care to have Returns of their said Precepts. And forasmuch as many Persons elected for Representatives, and having Summons, are not careful to give their Attendance accordingly in due Time; whereby the publick Affairs for their Majesties Service are prejudiced:*

Preamble.

Be it enacted by the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, it is ordained and enacted, That every Sheriff upon Receipt of their Majesties Writ for the convening and holding of a Great and General Court or Assembly, shall forthwith make out his Precepts under his Seal in Form as by Law is directed, unto the Select-Men of the several Towns within his County, and cause the same to be safely conveyed and delivered unto one or more of such Select-Men, within the space of seven Days at furthest next after his Receipt of such Writ as aforesaid; and shall likewise take effectual Care for having his Precepts returned to him again from the said Towns respectively, with what shall be done pursuant thereto, by the Day therein prefixed, and cause the same to be brought in to the Secretaries Office as by Writ he is commanded.

Sheriffs to make out their Precepts in 7 Days after Receipt of their Majesties Writ.

And the Select-Men of each Town upon Receipt of the Sheriffs Precept, shall cause the Freeholders and other Inhabitants of the said Town duly qualified as in the said Precept is mentioned, to be assembled and meet at such time and Place as the Select-Men or the major Part of them shall appoint, to elect and depute one or more Representatives for such Town, as by Law they may, and shall cause the Person or Persons so elected and deputed by the major Part of the Electors present at such Meeting, to be timely notified and summoned by one or more of the Constables of the said Town, to attend their Majesties Service in the Great and General Court or Assembly, upon the Day, and at the Time and Place appointed for holding of the same: And the Select-Men or the major Part of them, shall make Return of such Election under their Hands upon the said Precept or annexed thereto, in Manner and Form as by Law is prescribed; and cause the same to be delivered unto the Sheriff of the County, at or before the Day therein prefixed for return of the same; on Pain that every Sheriff neglecting his Duty in any of the Particulars before mentioned, shall forfeit and pay the Sum of *Fifty Pounds*.

Select Men to cause the Town to be assembled for choice of Representatives.

Penalty on Sheriffs for Neglect of Duty.

And every Select-Man or Constable in any Town neglecting his Duty in any of the Particulars before mentioned, shall incur the Pain and Forfeiture of *Five Pounds*.

Penalty on Select Men & Constables.

And every Sheriff shall be allowed for his Trouble and Charge in sending out his Precepts, *Forty Shillings*, to be paid out of the County Treasury.

Sheriffs Allowance.

And the Select-Men to be paid by the Town for the Charge of returning their Precept, for which shall be paid *three Pence* a Mile.

Select Mens Allowance.

And be it further enacted by the Authority aforesaid, That every Person elected to serve as a Representative for any Town in any Great and General Court or Assembly, and being summoned thereto, shall give his Attendance at the said Court on the first Day appointed for the Courts sitting (without reasonable and just Excuse for his Absence, being made and allowed of by the House of Representatives) on Pain of forfeiting the Sum of *Forty Shillings*; unless such Person being present at the Election, shall declare unto the Assembly his Non-acceptance of the Service; or upon Notice thereof given him, shall forthwith signify his Non-acceptance unto the Select-Men by Writing under his Hand: In which case the Select-Men shall call the Town together again to elect a new, that so they may enjoy their Privilege.

Penalty for Representatives Non-attendance the first Day of the Court.

That not any Town in this Province shall chuse any Representative, unless such be a Freeholder and Resident in that Town or Towns, such are chosen to represent.

Representatives to be Freeholders & Resident.

And if any Person not duly qualified according to Law, shall presume to Vote in the Choice of Representatives, one or more for any Town; or shall put in more than one Vote for any one Person in such Choice, being thereof convicted; he shall forfeit and pay the Sum of *Five Pounds*, one Moiety thereof unto their Majesties for and towards the Support of the Government, and the other Moiety to him or them that shall inform and sue for the same.

Penalty on Persons voting, being not qualified.

All

All Persons shall put in their Votes unfolded to the Select-Men or Constables appointed to receive the same.

And that where any Person offering to give in his Votes for Representatives in any Town, shall be questioned by the Select-Men of the said Town, as to his being capable by Charter to vote; the said Person or Persons giving his or their Oath that they are *bonâ fide* worth *forty Pounds* Sterling, or an Estate of Freehold to the Value of *forty Shillings per Annum*, before a Justice of the Peace, or in the Absence of a Justice of the Peace, before the Town-Clerk, who is hereby impowred to administer the same, he or they shall be accounted capable of voting, and put in his or their Votes accordingly. Voters questioned, to make Oath.

All Fines and Forfeitures arising for Breach of this Act or any Branch thereof, and not otherwise therein before disposed of, shall be unto their Majesties, for and towards the Support of the Government; and be recovered by Action, Bill, Plaint, or Information in any of their Majesties Courts of Record. Fines and Forfeitures how to be disposed.

Acts and Laws,

Passed by the Great and General Court or Assembly of the Province of the *Massachusetts-Bay* in *New-England*, Begun at *Boston*, the eighth Day of *November* 1693. And continued by Adjournment unto the fourteenth Day of *February* following.

CHAP. I.

An Act for the better Rule and Government of the *Indians* in their several Places and Plantations.

TO *the Intent that the* Indians *may be forwarded in Civility and Christianity; and that Drunkenness, and other Vices be the more effectually suppressed amongst them:* Preamble.

Be it enacted and ordained by the Governour, Council and Representatives in General Court assembled, and it is enacted by the Authority of the same, That his Excellency the Governour, by and with the Advice and Consent of the Council, may, and is hereby impowred to Appoint and Commissionate one or more discreet Persons within several Parts of this Province, to have the Inspection and more particular Care and Government of the Indians in their respective Plantations; and to have, use, and exercise the Power of a Justice of the Peace over them, in all Matters Civil and Criminal; as well for the hearing and determining of Pleas betwixt Party and Party, and to award Execution thereon; as for the examining, hearing and punishing of criminal Offences, according to the Acts and Laws of the Province, so far as the Power of a Justice of Peace does extend. As also to nominate and appoint Constables, and other proper and necessary Officers amongst them. Commissioners to be appointed in several Parts, to have the more particular Care and Government of the *Indians*.

And be it further enacted by the Authority aforesaid, That no Person or Persons whosoever, shall directly or indirectly, sell, truck, barter, or give to any Indian, any strong Beer, Ale, Cider, Perry, Wine, Rum, Brandy, or other strong Liquors, by what Name or Names soever called or known; on Pain of forfeiting the Sum of *forty Shillings* for every Pint; and proportionably for any greater or lesser Quantity so sold, truck'd, bartered, given or delivered to any Indian directly or indirectly as aforesaid; upon Conviction thereof before a Penalty for selling strong Drink to *Indians*.

Justice of the Peace, where the Penalty does not exceed *forty Shillings*; and if it exceed that Sum at the Sessions of the Peace, to be holden for the same County where the Offence is committed: one Moiety of all such Forfeitures to be unto their Majesties, for and towards the Support of the Government; and the other Moiety to him or them that shall inform and prosecute the same, by Bill, Plaint, or Information. And if the Offender be unable, or shall not forthwith pay and satisfy the said Penalty or Forfeiture, then to be committed to the Goal of the County; there to remain until he pay and satisfy the same, or suffer two Months Imprisonment.

Provided, This Act shall not be intended or extend, to restrain any Act of Charity for relieving any Indian (*bonâ fide*) in any sudden Exigent or Faintness or Sickness, not to exceed one or two Drams; or by Prescription of some Physician in writing, or by the Allowance of a Justice of Peace.

And for the better Discovery of such ill disposed Persons, who through Greediness of filthy Lucre, shall privately sell, or deliver strong Liquors, or strong Drink, to any Indian *or* Indians; *(of which it is difficult to obtain positive Evidence, other than the Accusation of such* Indian *or* Indians.) *And to the Intent that Murders, and other Outrages frequently occasioned thereby, may be prevented:*

Indian Accusation, with concurring Circumstances, to amount to a Conviction: Unless, &c.

It is ordained and enacted, That the Accusation and Affirmation of any Indian, with other concurring Circumstances; amounting to an high Presumption in the Discretion of the Court, or Justices; who have Cognizance of the Case; (the Accuser and the Accused being brought Face to Face at the Time of Trial) shall be accounted and held to be a legal Conviction of the Person so accused, of giving, selling or delivering Wine, Rum, or any other strong Drink or Liquors to such Indian; unless the Party accused shall acquit him or her self thereof upon Oath; which the Court, or Justice respectively are hereby impowred to require, and administer unto the Person accused, in Form following: *That is to say,*

Form of the Oath.

YOU A. B. *do Swear, That neither your self, nor any other by your Order, general or particular, Assent, Privity, Knowledge or Allowance, directly or indirectly, did give, sell or deliver, any Wine, Cider, Rum, or other strong Liquors or Drink, by what Name or Names soever called or known, unto the* Indian *by whom and whereof you are now accused.* So help you GOD.

Strong Drink found with *Indians*, to be seized.

And further it is enacted, That it shall and may be lawful to and for any Person or Persons to seize any Wine, strong Liquors or Cider, which he or they may find in the Custody of any Indian, not obtained by Allowance as aforesaid; (other than Cider made of Fruit of their own Growth) and to deliver the same unto the Constable, or one or more of the Select-Men of the Town, where the same shall be seized; to and for the Use of the Poor of such Town; and to apprehend such Indian, and to cause him or her to be conveyed before the next Justice of the Peace, to be examined, where and of whom they had such strong Drink.

Penalty for *Indians* convicted of Drunkenness.

And every Indian convicted of Drunkenness, shall forfeit and pay unto the Use of the Poor of the Town or Place where such Offence is committed, the Sum of *five Shillings*; or else be openly whipped by the Constable of such Town or Place or some other that he shall procure, not exceeding ten Lashes; as the Justice of Peace before whom such Conviction is, shall determine.

CHAP.

CHAP. II.

An Act for the Relief of Idiots and distracted Persons

Select-men or Overseers of the Poor, to make necessary Provision for the Relief of Idiots, and distracted Persons.

Additional Act. 7 *A.* ca. 3.

Court of Quarter Sessions to order the Estate of such Persons for Improvement.

The Justices of the Superiour Court, to License the Sale of Housing or Land of distracted Persons, in case,

BE it enacted by the Governour, Council, and Representatives in General Court assembled, and by the Authority of the same, That when and so often as it shall happen any Person to be naturally wanting of Understanding, so as to be uncapable to provide for him or herself: or by the Providence of God, shall fall into Distraction, and become *non compos mentis*; and no Relations appear that will undertake the Care of providing for them; or that stand in so near a Degree as that by Law they may be compelled thereto: In every such Case, the Select-Men or Overseers of the Poor of the Town or Peculiar where such Person was born, or is by Law an Inhabitant; be, and hereby are impowered and enjoined to take effectual Care, and make necessary Provision for the Relief, Support, and Safety of such impotent or distracted Person, at the Charge of the Town or Place whereto he or she of Right belongs; if the Party has not Estate of his or her own, the Incomes whereof may be sufficient to defray the same: And the Justices of the Peace within the same County, at their General Sessions, may order and dispose the Estate of such impotent or distracted Person to the best Improvement and Advantage towards his or her Support; as also the Person to any proper Work or Service, he or she may be capable to be employed in; at the Discretion of the Select-Men or Overseers of the Poor. And where the Estate of any such Person consists of Housing or Land, in every such Case the Justices of the Superiour Court of Judicature, upon Application to them made, may, and hereby are impowered to license and authorize the Select-Men or Overseers of the Town or Place whereto such Persons belongs; or such others as the said Justices shall think fit, to make Sale of such Housing or Land; the Produce thereof upon Sale to be secured, improved and employed to and for the Use, Relief and Safety of such impotent or distracted Person, (as the said Justices shall direct) as long as such Person shall live; or until he or she be restored to be of sound Mind. And the over-plus (if any be) to and for the Use of the next and right Heirs of such Party.

And the like Power and Authority is hereby granted unto the Justices of the Superiour Court, with Reference to any Persons or Persons now under Distraction or *non compos mentis*, as well for the satisfying of the Charges already past, as for what may be future, for the Support, Relief and Safety of any such Person.

Acts and Laws,

Passed by the Great and General Court or Assembly of the Province of the *Massachusetts-Bay* in *New-England*, Begun and Held at *Boston*, the thirtieth Day of *May*, 1694.

CHAP. III.

An Act for ascertaining the Fees of the Messenger attending the House of Representatives.

Messengers Fee 3 *s per Diem.*

Be it enacted and ordained by his Excellency the Governour, Council and Representatives in General Court assembled, and it is enacted by the Authority of the same, That there shall be paid to the Messenger attending upon the House of Representatives for the time being, out of the publick Revenue of this their Majesties Province, the Sum of *Three Shillings per Diem*, for every Day that the said Messenger shall attend upon, or be employed in the Service of the said House of Representatives. And further, that the said Messenger shall, and may demand, recover and receive, of all and every Person arrested, imprisoned, or taken into Custody by Warrant from the House of Representatives, *Three Shillings* for the Service of such Warrant of Arrest, with travelling Fees, after the Rate of *three Pence* per Mile out, and also *three Shillings* per Diem for safe keeping and providing for such Person so apprehended and taken into Custody; and *three Shillings* more upon the Dismission or Release of the Party: Any Law, Custom or Usage to the contrary notwithstanding; except it be a Member of the House that is so sent for, and then the Fees to be paid shall be less as the House shall appoint.

3 *s.* for Service of a Warrant of Arrest.

Travelling Fees 3 *d per* Mile out.

3 *s. per Diem* for each Person in Custody &c.

And it is hereby further declared, That the travelling Fees mentioned in the Act for regulating Fees, allowed to Sheriffs, Marshals, or Constables for the Service of Writs, is to be alike understood of *three Pence* per Mile from Home, and no more.

Sheriffs &c. travelling Fees, only 3 *d per* Mile o t.

CHAP. IV.

An Act against Adultery and Polygamie.

Preamble.

WHEREAS the Violation of the Marriage Covenant is highly provoking to God, and destructive to Families:

Be it therefore enacted by the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That if any Man be found in Bed with another Man's Wife, the Man and Woman so offending, being thereof convicted, shall be severely Whip'd, not exceeding thirty Stripes; unless it appear upon Trial, that one Party was surprized and did not consent; which shall abate the Punishment as to such Party.

Punishment for Adulterers.

And if any Man shall commit Adultery, the Man and Woman that shall be convicted of such Crime before their Majesties Justices of Assize and General Goal Delivery, shall be set upon the Gallows by the space of an Hour, with a Rope about their Neck, and the other End cast over the Gallows; and in the Way

Way from thence to the common Goal, shall be severely whipt, not exceeding forty Stripes each: Also every Person and Persons so offending, shall for ever after wear a Capital A of two Inches long, and proportionable bigness, cut out in Cloth of a contrary Colour to their Cloaths, and sewed upon their upper Garments, on the out-side of their Arm, or on their Back, in open View. And if any Person or Persons, having been convicted and sentenced for such Offence, shall at any time be found without their Letter so worn, during their Abode in this Province, they shall by Warrant from a Justice of Peace, be forthwith apprehended, and ordered to be publickly whipt, not exceeding fifteen Stripes; and so from Time to Time, *toties quoties*.

Polygamie to be punished as Felony.

And be it further enacted by the Authority aforesaid, That if any Person and Persons within this their Majesties Province being married, or which hereafter shall marry, do at any Time after the first of *July* in this present Year, *One Thousand six Hundred ninety four*, presume to marry any Person or Persons, the former Husband or Wife being alive; or shall continue to live so married, that then every such Offence shall be Felony; and the Person and Persons so offending shall suffer Death, as in Cases of Felony: And the Party and Parties so offending, shall receive such and the like Proceeding, Trial and Execution, in such County where such Person or Persons shall be apprehended, as if the Offence had been committed in such County where such Person or Persons shall be taken or apprehended.

Saving for Persons where Husband or Wife shall be absent seven Years, &c. 10 *W.* ca. 11.

Provided always, That this Act or any Thing therein contained, shall not extend to any Person or Persons whose Husband or Wife shall be continually remaining beyond the Seas, by the space of seven Years together; or whose Husband or Wife shall absent him or her self, the one from the other, by the space of seven Years together in any Part within their Majesties Dominions, or else where; the one of them not knowing the other to be living within that Time.

Saving for Persons divorced, or married within the Age of Consent.

Provided also, That this Act or any Thing therein contained, shall not extend to any Person or Persons, that are or shall be at the Time of such Marriage divorced by any Sentence had, or hereafter to be had, as the Law of the Province in that Case has provided; or to any Person or Persons, where the former Marriage has been, or hereafter shall be, by such Sentence had, declared to be Void and of no Effect: Nor to any Person or Persons, for or by Reason of any former Marriage had or made, or hereafter to be had or made within the Age of Consent: *That is to say*, The Man fourteen Years of Age, the Woman twelve.

Acts and Laws,

Passed by the Great and General Court or Assembly of the Province of the *Massachusetts-Bay* in *New-England*, begun at *Boston* the thirteenth Day of *May*, 1694. and continued by Adjournments unto the sixteenth Day of *October* following.

CHAP. V.

An Act to enable Towns, Villages, and Proprietors in Common and Undivided Lands, &c. to sue and be sued.

Preamble.

WHEREAS *amongst other Things in their Majesties Royal Charter for Incorporation of this Province; It is contained and granted in these Words following*: That is to say, "*Provided nevertheless*, And we "do for Us, Our Heirs and Successors, grant and ordain, that all and every such "Lands,

" Lands, Tenements and Hereditaments and other Eſtates, which any Perſon " or Perſons, Bodies Politick or Corporate, Towns, Villages, Colleges or Schools, " Do hold and enjoy, or ought to have, hold and enjoy within the Bounds " aforeſaid, by or under any Grant or Eſtate, duly made or granted by any " General Court formerly held, or by Virtue of the Letters Patent herein be- " fore recited, or by any other lawful Right or Title whatſoever; ſhall be by " ſuch Perſon or Perſons, Bodies Politick and Corporate, Towns, Villages, " Colleges or Schools, their reſpective Heirs, Succeſſors and Aſſigns for ever " hereafter, held and enjoyed according to the Purport and Intent of ſuch reſ- " pective Grant, *&c.*

4 *W.* & *M.* ca. 13. *And whereas by one Act of the General Court Entitled*, An Act for the Regulating of Townſhips, *&c. Amongſt other Things*, **It is enacted**, That the Proprietors of

12 *A.* ca. 2. the Undivided or Common Lands within each Town or Precinct in this Province, where the ſame have been heretofore ſtated each one's Proportion being known, ſhall, and hereby are impowred to order, improve or divide in ſuch Way and Manner, as ſhall be concluded and agreed upon by the major Part of the Intereſted. And the Proprietors of all Undivided or Common Lands not ſtated and proportioned as aforeſaid, ſhall and hereby are impowred to manage, improve, divide and diſpoſe of the ſame, as hath been or ſhall be concluded and agreed on by the major Part of ſuch Proprietors.

Now for the better enabling the ſaid Perſons, Towns, Villages, Truſtees for Schools and Proprietors aforeſaid, to maintain, recover and defend their Grants, Lands, Intereſts, and Eſtates:

Perſons, Towns, Villages, *&c.* to ſue or defend in any Court. **Be it enacted and declared by the Governour, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame**, That it ſhall and may be lawful for all and every the ſaid Perſons, Towns, Villages, Precincts, Truſtees for Schools and Proprietors in Common and Undivided Lands, Grants, and other Eſtates or Intereſts whatſoever, to ſue, commence and proſecute any Suits or Actions in any Court proper to try the ſame, either by themſelves or their Agents or Attorneys, to be appointed by ſuch as have in them the major Part of the Intereſt: And in like Manner to defend all ſuch Suits and Actions as ſhall be commenced againſt them or any of them.

Towns, Villages, *&c.* to choſe Agents or Attorneys to proſecute for, or defend them. 2 *G.* ca. 7. **And further be it enacted by the Authority aforeſaid**, That all and every Town, Village and Precinct, and Proprietors in Common or Undivided Lands, which ſhall have Occaſion to ſue or ſhall be ſued; may at a Meeting of the Inhabitants of ſuch Town, Village or Precinct, or Proprietors aforeſaid, orderly warned, by the major Vote of ſuch as ſhall meet, chooſe Agents or Attornies to proſecute for, or defend them, ſuch Choice being certified by the Clerk of ſuch Town, Village, Precinct or Proprietors, or by ſuch other Perſon as they ſhall appoint.

How Summons ſhall be given to oblige Towns, *&c.* to anſwer. And when any Town, Village, Precinct or Proprietors aforeſaid, ſhall be ſued, it ſhall be ſufficient Notice to oblige them to appear and anſwer, to leave a Writ or Summons with their Clerk or other principal Inhabitant or Proprietor (briefly declaring the Caſe) fourteen Days before the ſitting of the Court, where the Caſe is to be heard; as in other Actions is provided.

CHAP. VI.

An Act for regulating Ferries.

Preamble. *To the Intent that all Ferries within this Province be duly kept, and conſtantly attended for the Ends whereunto they are appointed:*

Additional Acts, 8 *W.* ca. 9. 9 *A.* ca. 1. 11 *A.* ca. 3. 4 *G.* ca. 9. 11 *G.* ca. 7. **Be it enacted by the Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame**, That henceforth no Perſon or Perſons whatſoever, ſhall attempt to keep a Ferry (ſo as to demand Pay) without ſpecial Licence firſt had and obtained from their Majeſties Juſtices in Quarter Seſſions of that County where ſuch Ferry is; who

are

are hereby impowred to grant Licences to such Persons as they shall judge meet for that Service, in their respective Counties; and to state the Fare or Prices of each Ferry, both for Man and Beast, according to the Nature and Breadth of such River, or Water they are to pass over; taking Bond of each Ferry-Man for the faithful Discharge of his Place (except such Ferries as are already stated and settled, either by the Court or Towns to whom they appertain:) And all Ferry-Men are hereby enjoined to keep a good Boat or Boats in good Repair, suitable to the Waters they are to ferry over; and also to give ready and due Attendance on Passengers upon all Occasions; on Penalty of *five Shillings* for every Default of Non-Attendance; and for want of a good Boat kept in good Repair to pay *five Pounds*; the one Half to their Majesties for and towards the Support of the Government, the other Half to him or them that shall inform and sue for the same, before a Justice of the Peace, or at the Quarter Sessions respectively, besides what Damage may accrue to any Person through the Ferry-Man's Default.

Ferry-men to be Licensed by the Quarter Sessions.

To give Bond.

Penalties for Non attendance, and not keeping good Boats.

And further it is enacted, That the General Post that is setled for their Majesties, and the Countries Service, be readily dispatched, and set over by all Ferry-Men where they shall come without any Delay. And if any Ferry-Man shall be complained of, and duly convicted before any Justice of the Peace, for delaying any Post, and not forthwith ferrying of him over, he shall forfeit the Sum of *Twenty Shillings* unto their Majesties for and towards the Support of the Government.

Penalty for delaying the Post.

And that Boats be constantly kept on either Side of the Water at *Charlestown* Ferry, for the more speedy Transportion of Passengers, the Ferry-Men on each Side to have a seperate Intereſt; and that the Ferry be not from henceforth Leased out otherwise. And all the Members of the General Assembly shall be Ferriage free at all Ferries in their passing to and from the Assembly, and shall be transported without any unnecessary Delay, on pain of forfeiting *Twenty Shillings* as abovesaid.

Assembly-men to pass Ferriage free.

ACTS

Acts and Laws,

Passed by the Great and General Court or Assembly of the Province of the *Massachusetts-Bay* in *New-England*, Begun at *Boston* the thirtieth Day of *May* 1694, and continued by several Adjournments unto the twenty-seventh Day of *February* following.

CHAP. I.

An Act to enable two Justices to Adjourn a Court upon special Occasions.

Power for Adjourning of Courts.

BE it enacted by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That when and so often as it shall happen the Superiour Court of Judicature, Court of Assize and General Goal Delivery, or the Inferiour Court of Pleas, in any of the respective Counties within this Province cannot be held and kept on the Day by Law prefixed for the holding of the same, by Reason of Death or Sickness befalling any of the Justices of such Court, or any providential necessary and unavoidable Let or Hindrance of their Attendance; it shall and may be lawful to and for any Two of the Justices of such Court respectively by Writ under their Hands and Seals directed unto the Sheriff of the County, therein inserting the Occasion thereof, to Adjourn the said Court unto a further Day, as in the said Writ shall be expressed, at as little Distance of Time as possibly may be from the Day whereon by Law the Court should have sat, that so Justice be not deferred or delayed: And the Sheriff upon Receipt of the said Writ, shall cause Publication to be made of the same at the usual Place of the said Court's sitting, and some other of the most publick Places within the same County, and also to cause a Signification of such Adjournment, and the Time unto which it is made, to be posted up at or near the House or Place where the said Court uses to sit, and other publick Places as aforesaid; to the Intent that unnecessary Travel, Charge and Attendance of all Persons concerned may be prevented. And the Sheriff is to Return such Writ with his Doings thereon into the Clerk's Office of such Court: And all Pleas, Writs, Actions, Suits, Plaints, Process, Precepts, Recognizances and other Thing and Things whatsoever Returnable or having Day or Days in the said Court, shall stand, abide and continue unto the said Adjournment, and be held, deemed and adjudged to be as good, effectual and available in Law to all Intents, Constructions and Purposes, as if such Court had been held and kept on the Day by Law for holding of the same, and no Adjournment thereof had been made.

CHAP. II.

An Act for the more effectual suppressing of Drunkenness, and putting in Execution the Laws against such as shall presume to sell strong Drink without Licence.

Preamble.

WHEREAS divers Persons that obtain Licence for the Retailing of Wine and strong Liquors out of Doors only, and not to be spent or drank in their Houses, do notwithstanding take upon them to give Entertainment to Persons to sit Drinking and Tipling there; and others who have no Licence at all, are yet so hardy

hardy as to run upon the Law, in adventuring to ſell without; tending to the great increaſe of Drunkenneſs and other Debaucheries: ſuch Houſes not falling under the Inſpection of Officers, as thoſe that are Licenced:

Be it therefore enacted by the Lieutenant Governour, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame, That from and after the Publication hereof, every Perſon and Perſons now Licenced, or that ſhall hereafter obtain Licence to retail Wine and ſtrong Liquors to be ſpent out of Doors, and not otherwiſe, who ſhall be convicted of entertaining or ſuffering any Perſon or Perſons to ſit drinking or tipling in their Houſes, Cellars, Backſides, or within any of the Dependencies of ſuch Houſes; or of ſelling any other ſort of Drink than what they have Licence for, ſhall incur and ſuffer the like Penalties and Forfeitures as may by Law be inflicted upon Perſons ſelling without Licence: to be recovered and employed in Manner as by the ſaid Law is directed.

Retailers to ſell no other ſorts of Drink than what they are Licenſed to, nor to ſuffer Perſons to drink in their Houſes, &c.

And all Officers as well Grand-Jurors, Conſtables, Tything-Men, as the Officers employed in and about the collecting of the Exciſe, are hereby authorized and required diligently to ſee that this Act be duly obſerved; and to preſent and inform of all Breaches of the ſame, either at the Court of General Seſſions of the Peace, or to ſome Juſtice of the Peace; who are hereby reſpectively impowered to hear and determine the ſaid Offence according to Law: as alſo alike to preſent or inform of any that ſhall preſume to ſell any Sort of ſtrong Drink without Licence. And it ſhall and may be lawful to and for any of the aforeſaid Officers reſpectively *ex officio* to enter into and inſpect the Houſe of any Perſon having once been convicted of ſelling without Licence, as they may by Law into Licenced Houſes. And if any of the before-mentioned Officers ſhall be convicted of taking or receiving any Bribe, Fee or Reward, directly or indirectly to connive at, conceal, or not to preſent or inform againſt any Perſon or Perſons being Licenced to Retail for ſpending out of Doors only, that ſhall ſuffer Perſons to drink or tipple in their Houſes or any of the Dependencies thereof; or for any others who ſhall preſume to ſell without Licence; every Officer ſo offending, ſhall forfeit and pay three Times the Value of all and every ſuch Sum and Sums by him received as a Bribe, Fee or Reward; one Moiety thereof unto their Majeſties for and towards the Support of the Government, and the other Moiety to him or them that ſhall inform and ſue for the ſame in any of their Majeſties Courts of Record. And if ſuch Officer be one that is employed about the Exciſe, over and above the Forfeiture aforeſaid, he ſhall *ipſo facto* be diſcharged of and from his ſaid Office, and be rendred uncapable to be employed in any publick Service as an Officer, by the ſpace of three Years next following.

Officers to inſpect publick Houſes, and to preſent ſuch as ſell without.

Penalty for receiving any Bribe, &c.

And be it further enacted by the Authority aforeſaid, That if any Perſon licenced as a Taverner, Innholder or Retailer of Wine or ſtrong Liquors out of Doors, ſhall tranſgreſs this Act or any other Law of the Province made for the Regulation of ſuch Houſes, in any of the Particulars therein mentioned, and ſhall be more than twice convicted of ſuch Breach of Law within the compaſs of one Year; every Perſon ſo offending, over and above the Penalty in the Law for ſuch Tranſgreſſion, ſhall forfeit his or her Licence, not to be renewed again by the ſpace of three Years next following.

Licence to be forfeited upon a third Conviction.

And if any Perſon or Perſons duly convicted of the Breach of Law in any of the Particulars herein before-mentioned, or of ſelling without Licence, ſhall be unable, or neglect to pay and ſatisfy the Fine impoſed by Law for ſuch Tranſgreſſion; it ſhall and may be lawful to and for the Court or Juſtice before whom the Conviction is, to order ſuch Perſon or Perſons either to ſtand committed to the Goal of the County by the ſpace of twenty Days without Bail or Mainprize, or to be ſet in the Cage, or Stocks, to remain there, not exceeding the ſpace of three Hours.

Perſons unable, or neglecting to pay their Fine, how to be puniſhed.

Select-Men to cause reputed Drunkards, &c. to be posted up.

And it is further enacted by the Authority aforesaid, That the Select-Men in each Town shall cause to be posted up in all publick Houses within such Town, a List of the Names of all Persons reputed Drunkards or common Tiplers, mispending their Time and Estate in such Houses: And every Keeper of such House after Notice given him as aforesaid, that shall be convicted before one or more Justices of the Peace of entertaining or suffering any of the Persons named in such List, to drink or tipple in his or her House, or any of the Dependencies thereof, shall forfeit and pay the Sum of *Twenty Shillings*; one Moiety thereof to him or them who shall inform of the same, and the other Moiety to and for the Use of the Poor of the Town where such Offence shall be committed.

Penalty on the Keepers of publick Houses giving them Entertainment.

CHAP. III.

An Act for preventing of Mens Sons, or Servants absenting themselves from their Parents or Masters Service without Leave.

Preamble.

WHEREAS Complaint has been made by sundry Inhabitants of this Province, that they have sustained great Damage by their Sons and Servants deserting their Service without Consent of their Parents or Masters, being encouraged to enter themselves on Board private Men of War, or Merchant Ships, and there entertained:

For Redress whereof:

Penalty on Commanders or Masters of Ships, &c. for entertaining Mens Sons or Servants without Leave.

5 G. ca. 1.

Be it enacted by the Lieutenant Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That no Commander of any private Man of War, or Master of any Merchant Ship or Vessel, coming into, tarrying or abiding in, or going forth of any Port, Harbour or Place within this Province, shall receive, harbour, entertain, conceal or secure on Board such Ship or other Vessel, or suffer to be there harboured or detained, any Man's Son being under Age, or Apprentice, or Covenant Servant (knowing him to be such, or after Notice thereof given) without Licence and Consent of his Parent or Master, in writing under his Hand first had and obtained; on Pain of forfeiting the Sum of *five Pounds* per Week, and so proportionably for a longer or shorter time than any Son, Apprentice or Servant, shall be held, harboured, concealed or detained on Board any such Ship or other Vessel as aforesaid, without Licence and Consent as aforesaid; the one Moiety thereof unto their Majesties, to be employed towards the Support of the Government of the Province; and the other Moiety unto the Parent or Master of such Son, Apprentice or Servant that shall inform and sue for the same, in any of their Majesties Courts of Record within this Province, by Bill, Plaint or Information; wherein no Essoin, Protection or Wager of Law shall be allowed.

Penalty on Servants deserting their Masters Service.

And be it further enacted by the Authority aforesaid, That every Apprentice or Covenant Servant, who shall unlawfully absent himself from his Master, and enter himself on Board any Ship or Vessel as aforesaid, with Intent to leave his Master's Service; or continue there more than the space of twenty-four Hours, and be thereof convicted before their Majesties Justices in General Sessions of the Peace within the same County; shall forfeit unto his Master such further Service from and after the Expiration of the Term which his said Master had in him at the Time of his Departure, as the said Court shall order, not exceeding one Year.

CHAP.

CHAP. IV.

An Act for Grand Jurors serving at the Quarter Sessions of the Peace, and punishing Defaults of Jurors Attendance.

Preamble.

TO the Intent that due Inquiry and Presentment may be made unto the Court of Quarter Sessions of the Peace within the respective Counties of all Misdemeanours, Offences and Breaches of Law, proper to the Cognizance of the said Court, hapning within such County, for the suppressing and punishing of the same; and that Jurors may duly attend the Service for which they are chosen:

Grand Jurors to serve a full Year.

Be it enacted by the Lieutenant Governour Council and Representatives, in General Court assembled, and by the Authority of the same, That the Clerk of the Peace of each several County shall annually, fifteen Days at least before the Day for holding of the Court of Quarter Sessions of the Peace for such County, issue out Writs directed unto the Constables of the respective Towns within the same; requiring them or one of them forthwith to warn a Meeting of the Inhabitants duly qualified by Law, for the chusing of one or more Grand Jurors, according to the Number such Town has been accustomed to send, or otherwise shall be appointed for them by the Justices of the said Court; and the Person or Persons so chosen, to warn to appear at the next Court, and the following Courts of Quarter Sessions successively, to be holden for the same County within the space of one Year, and there to attend the Service belonging to them; and to make Return of the said Writ with his Doings thereon accordingly unto the said Clerk's Office, before the opening of the said Court: And if any Constable shall fail of performing his Duty by the said Writ required, or reasonably to return the same, he shall forfeit and pay the Sum of *Forty Shillings*. And the Persons chosen and returned as aforesaid appearing, shall be impanelled, and sworn a Grand Inquest for the Body of such County; and shall continue in the said Office for the space of one full Year, and until others be chosen and sworn in their Stead: whose Duty it shall be to inquire and duly present the Breach of all such good and wholesome Laws, as are or shall be established within this Province, and all such Misdemeanours as are proper to their Inquiry, and the Jurisdiction of the said Court.

Their Duty.

Forty Shillings Fine for Non appearance.

And if any Person chosen to the said Office, and summoned by the Constable and so returned by him, shall make Default in Appearance, without reasonable Excuse made, and allowed of by the Court; the said Court shall and may set a Fine upon him, not exceeding the Sum of *Forty Shillings*; and a new Writ shall issue forth unto the Town, to chuse another in his Room; and so likewise in Case of the removal of any by Death, or otherwise.

Petit Jurors making Default, to be fined, not exceeding 20 *s.* 3 *G.* ca. 5. Act to prevent Default in the Appearance of Jurors. 10 *W.* ca 10.

And be it further enacted by the Authority aforesaid, That if any Person or Persons legally chosen, and summoned to serve upon the Petit Jury, for Trials in the Superiour Court of Judicature, Court of Assize, and General Goal Delivery, or in any of the Inferiour Courts of Common Pleas, or of General Sessions of the Peace, being so returned by the Constable under his Hand; shall make Default of Appearance, and not attend the said Service without reasonable Excuse made, and allowed of by such Court; every Person and Persons so offending, shall be fined by the said Court, (who are hereby impowered thereto) not exceeding the Sum of *Twenty Shillings*.

Fines and Forfeitures to come to the County.

All Fines and Forfeitures accruing by Virtue of this Act, shall be paid in to the Treasurer of the County where the same do arise; and be employed towards the defraying the publick Charges of such County.

How to be Levied.

And in Case any Person or Persons sentenced to pay any of the said Fines or Forfeitures, shall neglect or refuse so to do, the same shall be levied by Distress and Sale of the Offenders Goods or Chattels, by Warrant from the Court that awarded the same, to be signed by the Clerk of the said Court; to-

gether with the incident Charges arising for taking such Distress, according to the Fees by Law allowed for levying of Executions; and *Two Shillings* for the Warrant, to be paid unto the Clerk that granted the same.

Grand Jurors Allowance.

And all Grand Jurors shall be allowed by the County Treasurer, the Sum of *Two Shillings per Diem* each Man, during their Attendance on any Court: the Time to be certified unto the County Treasurer, by the Clerks of the respective Courts. And no Grand Juror shall be compelled to serve more than one Year in three; nor any Petit Juror, more than at one Court within the Compass of a Year.

6 G. ca. 6.

CHAP. V.

An Act for supplying the Defects in the Act Intitled, *An Act encouraging the killing of Wolves.*

5 W. & M. ca. 3. 2 G. ca. 4. 5 G. ca. 5.

Preamble.

WHEREAS *by the Act Intitled* An Act encouraging the killing of Wolves, *made and passed at the Session of the General Assembly, begun and held at* Boston, *the thirty-first Day of* May, *in the fifth Year of their present Majesties Reign; there is Provision for Payment to be made unto the Person or Persons who shall kill any grown Wolf or Wolves Whelp, out of the Town Stock, in which such Wolf is killed, or of the Town lying next adjacent thereto, and that the said disburst, the same being made to appear, shall be allowed unto such Town, by the General Treasurer of the Province out of the publick Treasury.*

But forasmuch as there is no particular Direction in the said Act how or in what Manner such Payment out of any Town Stock shall be made appear, so as to justify the Treasurer in allowing of the same; and the better to prevent any Fraud therein:

Constables & One or more Select Men to give Receipt for Wolves Heads.

Be it enacted by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That every Person or Persons killing any grown Wolf or Wolf's Whelp (other than such as shall be taken out of the Belly of any Bitch Wolf) within any Town of this Province, and bringing the Head thereof unto the Constable of such Town or of the Town next adjacent, the Constable in the Presence of one or more of the Select-Men, shall cut both the Ears off the same, and such Select-Man or Men and Constable, shall give the Party a Receipt for the said Head, expressing whether it be a grown Wolf or a Whelp; and upon producing such Receipt, the Party shall be paid and allowed by the Select-Men or Treasurer of such Town, out of the Town Stock, for the same, as in and by the said Act is directed. And all such Payments so made shall be certified unto the Treasurer and Receiver General, under the Hands of the major Part of the Select-Men in such Town, and Town Treasurer (where any such be) or Town Clerk, in Manner following: *That is to say,*

Mr. Treasurer,

Certificate to the Treasurer.

THis may certify, That there has been paid unto sundry Persons out of the Town Stock of A. *for grown Wolves, and Wolves Whelps kill'd in and near unto our Town, since the Day of last past, and the Heads thereof brought unto our Constables, and the Ears cut off in Presence of some of our Selves, as the Law directs, and so certified unto us, in the whole the Sum of* Pounds *which Sum we desire you to allow unto our Town, by discounting the same with* B. C. *Constable, out of the publick Assessment, committed to him to collect in our Town. Dated in* A. *aforesaid, the Day of*

Select-Men
Town-Treasurer.
Or,
Town Clerk.

And

And be it further enacted, That the Treasurer do cause a competent Number of blank Certificates in the Form aboveſaid, to be printed at the publick Charge, and affix his own Seal thereto, and is hereby ordered to deliver ſo many unto the Select-Men of each Town and Place reſpectively, or ſome One of them, as ſhall be neceſſary for the Uſe of ſuch Town or Place.

Acts and Laws,

Paſſed by the Great and General Court or Aſſembly of the Province of the *Maſſachuſetts-Bay* in *New-England*, Begun and held at *Boſton*, the twenty-ninth Day of *May*, 1695.

CHAP. VI.

An Act to prevent Inceſtuous Marriages.

ALTHOUGH this Court doth not take in Hand to determine what is the whole Breadth of the divine Commandment reſpecting unlawful Marriages: Yet for preventing of that abominable Diſhoneſty and Confuſion which might otherwiſe happen: Preamble.

Be it enacted by the Lieutenant Governour, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame, That no Man ſhall marry any Woman within the Degrees hereafter named in this Act, *That is to ſay*, No Man ſhall marry his *Grandfather's Wife*, *Wife's Grand-Mother*, *Father's Siſter*, *Mother's Siſter*, *Father's Brother's Wife*, *Mother's Brother's Wife*, *Wife's Father's Siſter*, *Wife's Mother's Siſter*, *Father's Wife*, *Wife's Mother's Daughter*, *Wife's Daughter*, *Son's Wife*, *Siſter*, *Brother's Wife*, *Wife's Siſter*, *Son's Daughter*, *Daughter's Daughter*, *Son's Son's Wife*, *Daughter's Son's Wife*, *Wife's Son's Daughter*, *Wife's Daughter's Daughter*, *Brother's Daughter*, *Siſter's Daughter*, *Brother's Son's Wife*, *Siſter's Son's Wife*, *Wife's Brother's Daughter*, *Wife's Siſter's Daughter*. And if any Man have already married, or ſhall hereafter marry, or have carnal Copulation with any Woman who is within the Degrees before recited in this Act; every ſuch Marriage ſhall be and is hereby declared to be null and void. And all Children that ſhall hereafter be born of ſuch inceſtuous Marriage or Copulation, ſhall be for ever diſabled to inherit by deſcent, or by being generally named in any Deed or Will by Father or Mother. Degrees of Kindred forbidden Marriage.

And be it further enacted by the Authority aforeſaid, That every Man and Woman who ſhall marry, or carnally know each other, being within any of the Degrees before recited in this Act, and ſhall be convicted thereof before His Majeſty's Juſtices of Aſſize and General Goal Delivery; ſuch Man and Woman ſo convicted, ſhall be ſet upon the Gallows by the ſpace of an Hour, with a Rope about their Neck, and the other End caſt over the Gallows: And in the Way from thence to the Common Goal, ſhall be ſeverely whipped, not exceeding forty Stripes each. Alſo every Perſon ſo offending ſhall for ever after wear a Capital I of two Inches long, and proportionable bigneſs, cut out in Cloth of a contrary Colour to their Cloaths, and ſewed upon their upper Garments on the outſide of their Arm, or on their Back in open View. And if any Perſon or Perſons having been convicted and ſentenced for ſuch Offence, ſhall at any Time be found without their Letter ſo worn, during their Abode in this Province, they ſhall by Warrant from a Juſtice of the Peace be forthwith apprehended and ordered to be publickly whipp'd not exceeding fifteen Stripes, and ſo from Time to Time *toties quoties*. Penalty for any within the ſaid Degrees that ſhall marry.

Penalty on such whose Marriage is declared null to converse, or dwell together.

And be it further enacted by the Authority aforesaid, That if any Man or Woman whose Marriage is by this present Act declared null and void, shall be so hardy as to converse together as Man and Wife, or shall continue to dwell in the same House at any Time after the space of forty Days next after the Publication of this present Act, and be thereof convicted; or if any Man and Woman who shall hereafter be divorced, or their Marriage declared to be null and void, according to the Law of this Province, shall cohabit, or converse together as Man and Wife, and be thereof convicted, all and every such Persons shall suffer the Pains and Penalties mentioned in an Act made and passed by the Great and General Court or Assembly, at their Sessions begun and held the thirtieth Day of *May, One Thousand six Hundred ninety four*, Intitled *An Act against Adultery and Polygamie*; which in and by the said Act are set and imposed upon such as shall be taken in Adultery. And it shall be in the Power of the Justices of the Superiour Court of Judicature, to assign unto any Woman so seperated, such reasonable Part of the Estate of her late Husband, as in their Discretion the Circumstances of the Estate may admit; not exceeding one third Part thereof.

And for the better preventing of Clandestine Marriages:

4 *W.* & *M.* ca. 10. 3 *G.* ca. 4. Justices and Ministers not to marry Persons out of their County or Towns respectively.

Be it enacted by the Authority aforesaid, In Addition to the Act Intitled, *An Act for the orderly Consummation of Marriages:* That no Person other than a Justice of the Peace, and that within his own County only; or ordained Minister, and that only in the Town where he is settled in the Work of the Ministry; shall or may presume to join any Persons together in Marriage: Nor shall any Justice or Minister, join any Persons in Marriage other than such, one or both of whom are Inhabitants or Residents in such County or Town respectively; nor without Certificate produced under the Hand of the Clerk of the several Towns where the Parties respectively dwell, that the Names and Intention of the said Parties have been entred with him fifteen Days before Hand; and that due Publication of such their Intention or Purpose has been made, in Manner as by Law is directed: Nor without evident Signification that the Parents of such Persons, or others whose immediate Care or Government they are under; are knowing of, and consenting to such Marriage; on Pain that every Justice, Minister, or other Person offending against this Act, shall for every such Offence forfeit and pay the Sum of *Fifty Pounds*; as a Fine for and towards the defraying of the publick Charges, arising within such County where the Offence is committed: To be sued for and recovered by the County Treasurer, in any of His Majesty's Courts of Record within the same; by Bill, Plaint or Information: And shall, and are hereby for ever after disabled to join Persons in Marriage; and be further liable to the Action and Suit of the Parent, Guardian, or others whose immediate Care and Government either of the Parties were under at the Time of such Marriage, that are aggrieved thereat and shall prosecute the same.

Names and Intention of Marriage to be entred with the Town Clerk.

Penalty on Justices or Ministers offending.

Banns forbidden, not to be out-ask'd till the Matter be heard &c.

And be it further enacted, That if at any Time the Banns of Matrimony betwixt any Persons shall be forbidden, the Publisher thereof shall forbear to proceed therein, until the Matter have been duly inquired into, and heard before two of the Justices of the same County; and that they certify under their Hands, either that the Cause was insufficient, or that it is removed.

Town Clerk to Register Marriages.

3 *G.* ca. 4.

And all Marriages shall be Registred by the Town Clerk of the same Town where they are consummated: And every Justice or Minister as aforesaid, shall return a Note or Certificate unto the Clerk of the Town, of the Names of all Persons which they shall marry, and of the Time when, within three Months at farthest after Consummation of the same; and shall allow and pay out of his Fee unto the Clerk for entring the same *three Pence:* Any Law, Usage or Custom to the contrary notwithstanding.

And

And be it further enacted by the Authority aforesaid, That if any Man shall wear Womens Apparel; or if any Woman shall wear Mens Apparel, and be thereof duly convicted: they shall be corporally punished or fined, at the Discretion of the Quarter Sessions, not exceeding *five Pounds*, to the Use of the County where the Offence is committed, towards the defraying of the County Charges. Penalty on Men and Women that shall wear contrary Apparel.

CHAP. VII.

An Act for regulating the Assize of Shingles.

WHEREAS it has been accustomed, that Shingles exposed to Sale, are close packt up in Bundles, so that the Quality of them cannot be seen; and do frequently fall short of the due Assize and Dimensions, whereby great Injustice may be done: Preamble.

For Remedy whereof:

Be it enacted by the Lieutenant Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That all Shingles exposed to Sale, shall be made of good sound Timber, and of the following Dimensions: *That is to say*, Each Shingle to bear eighteen Inches or fifteen Inches in Length; and not under three and half Inches in Breadth; nor under half an Inch thick, and well shaved. All Shingles of eighteen Inches and fifteen Inches respectively, to be made up in distinct Bundles by themselves. Assize of Shingles. 9. *A.* ca. 6.

And be it further enacted by the Authority aforesaid, That from and after the first Day of *September* next ensuing, no Person shall expose to Sale any such Shingles, which are not of the full Dimensions, of Length, Breadth and Thickness aforesaid; on pain of forfeiting every Bundle, wherein any Shingles shall be found under any of the said Dimensions of Length, Breadth or Thickness. And if any Person to whom any Shingles are tendred to be sold, shall desire to have to have them viewed; upon his Application made to a Justice of Peace, such Justice is hereby impowred, to make out a Warrant for the appointing and authorizing some able House-Carpenter, to view and measure the same; and to administer an Oath unto him, to deal faithfully and impartially therein: and in the Presence of the Owner or Vender of such Shingles (if he see Cause to be there) to perform the said Service; and to make Seisure of all such Bundles of Shingles, in which there shall be any found under the full Dimensions above-mentioned, in any Particular thereof. And upon such Return made by the said Officer under his Hand, to the Justice who granted the Warrant, such Justice shall declare the said Shingles to be forfeited; and cause them to be delivered unto the Select-Men or Overseers of the Poor of the Town, where they are offered to Sale; to be employed to and for the Use of the Poor of such Town: The Charges of viewing, being first defrayed and answered for out of the same; but where there appears no Defects, the Person at whose Desire the Survey is appointed, shall answer the whole Charge thereof. All Shingles under due Assize exposed to Sale, to be forfeited. Justices of the Peace to appoint a Viewer. Defective Shingles forfeited, to be to the Use of the Poor.

CHAP. VIII.

An Act for the better Settlements of the Islands of *Martha's Vineyard*, and Islands adjacent.

BE it enacted by the Lieutenant Governour, Council and Representatives, convened in General Court or Assembly, and by the Authority of the same, That the Islands of *Martha's Vineyard*, *Elisabeth* Islands, the Islands called *Nomans-Land*; and all the Dependencies

formerly

formerly belonging to *Dukes* County, (the Island of *Nantucket* only excepted) shall be, remain and continue to be one County, to all Intents and Purposes; by the Name of *Dukes County*: And all Appeals from any Judgment or Judgments given, or to be given in any of the Inferiour Courts of Pleas within the said County, shall henceforth be heard and tried at the Superiour Court of Judicature to be holden from Time to Time at *Plymouth*, within the Neighbouring County of *Plymouth*: Any Law, Usage or Custom to the contrary notwithstanding: the Jurors to serve at the said Superiour Courts of Judicature, to be from Time to Time chosen and summoned out of the several Towns within the said County of *Plymouth* and *Dukes-County* according to the Directions in the Law in such Case provided.

Appeals from Courts in *Dukes* County, to be to *Plymouth*.

The Island of *Nantucket* to remain and continue under the same Form of Government as is already there settled: And Appeals from the Judgments given or to be given in the Inferiour Court of Pleas within the said Island, to be heard and tried in the Superiour Court of Judicature to be held at *Boston* within the County of *Suffolk*, as is by Law provided.

Appeals from Courts in *Nantucket* to be to *Boston*.

CHAP. IX.

An Act in further Addition to the Act Intitled, *An Act for the Settlement and Support of Ministers.*

4 *W.* & *M.* ca. 10. 4 & 5 *W.* & *M.* ca. 20. 1 *A.* ca. 3.

Be it enacted by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That when at any Time a Church shall make Choice of a Minister, and present their Choice unto the Inhabitants of the Town or Precinct in a publick Meeting duly warned and assembled for that Purpose, to have their Concurrence therein; and the Inhabitants so assembled, shall by a major Vote deny their Approbation of the Churches Choice; the Church may call in the Help of a Council consisting of the Elders and Messengers of three or five Neighbouring Churches; which Council are hereby impowred to hear, examine and consider the Exceptions and Allegations made against the Churches Election. And in Case the Council shall notwithstanding approve of the said Election, such Minister accepting of the Choice, and setling with them, shall be the Minister of the Town or Precinct, who shall be in all Respects supported and maintained, as by the said Act is provided; but if otherwise, the Church shall proceed to the Election of another Minister.

And it is further declared, That no Person by Reason of his voting in the Church, shall be precluded from voting as an Inhabitant of the Town: Any Law, Usage or Custom to the contrary notwithstanding.

Acts and Laws,

Paſſed by the Great and General Court or Aſſembly of the Province of the *Maſſachuſetts-Bay* in *New-England*, Begun and held at *Boſton* the twenty-ninth Day of *May*, 1695. And continued by ſeveral Adjournments until the twentieth of *November* following.

CHAP. X.

An Act for the better diſcovery and more effectual ſuppreſſing of Unlicenſed Houſes.

Preamble.

FORASMUCH as divers ill diſpoſed and indigent Perſons, the Pains and Penalties in the Laws already made not regarding, are ſo hardy as to preſume to ſell and retail ſtrong Beer, Ale, Cyder, Perry, Wine, Rum, or other ſtrong Liquors or mixt Drinks, and to keep common tippling Houſes, therein harbouring and entertaining Apprentices, Indians, Negroes, *and other idle diſſolute Perſons, tending to the Ruin and Impoveriſhment of Families, and to all Impiety and Debaucheries; and if detected and convicted of any ſuch Offence, are unable to ſatisfy the Fine impoſed by Law for the ſame; and cannot be puniſhed by Impriſonment without Wrong to their Families:*

For Remedy whereof, and the more effectual deterring and ſuppreſſing of ſuch evil Practices:

Perſons unable to pay the Fine to be whipt.

Be it enacted by the Lieutenant Governour, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame, That when and ſo often as any Perſon being duly convicted of keeping a common tipling Houſe, or ſelling ſtrong Beer, Ale, Cyder, Perry, Wine, Rum, or other ſtrong Liquors or mixt Drink by Retail, without Licence firſt orderly had and obtained for the ſame, ſhall be unable to anſwer and ſatisfy the Fine impoſed by Law for ſuch Tranſgreſſion, together with the Charge of Proſecution; or that ſhall not pay ſuch Fine and Charges (and likewiſe give Bond for the good Behaviour, if it be a ſecond Conviction) within the ſpace of twenty four Hours next after Sentence declared in that Reſpect; it ſhall and may be lawful to and for two Juſtices of the Peace, or the Court before whom the Conviction ſhall be, to order ſuch Offender to be openly whipt with ſo many Stripes as in their Diſcretion ſhall be thought fit, not leſs than ten, nor exceeding fifteen for one Offence; and to reſtrain the Offender in Priſon, until the Fine and Charges as aforeſaid are paid, or the Order for corporal Puniſhment be executed.

Officers Power to ſeize Drink found in unlicenſed Houſes.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for any Grand Jurors, Conſtables, Tything-Men, and the Officers employed in and about the Exciſe, *ex officio* to enter into the Houſe and Dependencies thereof, of any ſuch Perſon as aforeſaid, ſuſpected of ſelling ſtrong Drink without Licence, having once been convicted thereof, and taking with them ſuch Aſſiſtance as they ſhall think needful, to make Search for ſtrong Drink, and finding any Quantity of any Kind of the Drinks herein before-mentioned, to ſeize and ſecure the ſame, ſo as it be within the ſpace of one Year next after ſuch Conviction, and to inform thereof at the next General Seſſions of the Peace to be holden within the ſame County, or unto two Juſtices of the Peace (*QuorumUnus*) within the ſame: And if the Quantity of Drink ſo ſeized ſhall be judged by ſuch Court or Juſtices to be more than for the neceſſary Uſe of the Family, and what their Condition may reaſonably allow them to expend, or otherwiſe to have in their Cuſtody; it ſhall and may be lawful to and for ſuch Court or Juſtices to declare all ſuch Drink to be forfeited; one Moiety thereof unto the Party that ſeized and informed of the ſame, and the other Moiety to the Select-Men or Overſeers of the Poor of the Town where it was ſeized, to the Uſe of the Poor there; and to order the Diſpoſal thereof accordingly.

Appeal from the Sentence of two Justices

Provided nevertheless, That any Person aggrieved at the Sentence of any two Justices for either of the Offences before-mentioned, may appeal therefrom unto the next General Sessions of the Peace within the same County; provided such Appeal be claimed in due Time, and Security given in Manner as the Law in such Cases directs.

CHAP. XI.

An Act for taking of Affidavits out of Court.

Preamble.

FOR AS MUCH *as it is often necessary, that Witnesses in civil Causes be sworn out of Court, when by Reason of their going to Sea, living more than thirty Miles distant from the Place where the Cause is to be tried, Age, Sickness, or other bodily Infirmity, they are rendered uncapable of Travel, and appearing in Person at the Court. To the Intent therefore that all Witnesses may indifferently testify their certain Knowledge, and the whole Truth in the Cause they are to speak unto:*

Adverse Party to have Notification.

Be it enacted by the Lieutenant Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That for either of the Reasons before-mentioned, and not otherwise, every Justice of the Peace, or others lawfully commissionated and impowred thereto by two or more of the Justices of the Superiour or Inferiour Court respectively, may take Affidavits out of Court, so as a Notification with reasonable Time, be first made out and delivered to the adverse Party (if within twenty Miles of the Place) or left at the Place of his Dwelling or usual Abode, to be present at the Time of taking such Affidavit, if he think fit; and every such Witness shall be carefully examined and cautioned to testify the whole Truth; and being Sworn, the Justice shall Attest the same, with the Day Month and Year of the Caption thereof, and that the adverse Party was present (if so) or that a Notification was sent him; and shall Seal up the Testimony, and deliver it to the Party (if desired) at whose Request it was taken: And no Person interested shall write or draw up the Testimony of any Witness in such Cause, nor any Attorney in his Clients Clause: And if it manifestly appear that any Testimony be written or drawn up by any interested, or the Attorney in the Cause, or be returned from any Justice of the Peace by other Hand than his own, into the Court where the same is to be used, unsealed, or the Seal having been broken up; all such Testimonies shall be rejected by the Court, and be utterly void, and of no Effect in Law.

No Person interested or the Attorney, to write Affidavits.

Affidavits to be returned to the Court sealed up.

Justices to grant Summons for Witnesses.

And be it further enacted by the Authority aforesaid, That every Justice of the Peace shall be, and hereby is impowred, upon Request to him made, to grant Summons for the Appearance of any Witness before him in any civil or criminal Cause, where such Witness is bound to Sea before the Time of Trial, and to take his Deposition in such Cause; the adverse Party being present, or Notification sent him as aforesaid.

Witnesses to Bonds and other Writings may be Sworn without Notification.

Provided nevertheless, That Witnesses to Bonds, Specialties, Letters of Attorney, and other Instruments in writing under the Hand of the Party executing the same, or to Accompts or Testimonies relating to Persons out of this Government, or to be sent beyond Sea, may be sworn without such Notification as aforesaid.

Affidavits *in perpetuam rei memoriam*, to be sworn in Court or before two Justices.

And be it further enacted by the Authority aforesaid, That all Affidavits relating to the Possession of any Houses or Lands, or any other Matter, *in perpetuam rei memoriam*, shall be made and taken before some Court of Record, or two or more Justices of the Peace, *Quorum Unus*.

Penalty for Perjury.

And it is further enacted, That all Persons forswearing themselves in any such Affidavits taken as aforesaid, shall incur the same Penalties, as if they had been taken in open Court.

AN

An Act,

Passed by the Great and General Court or Assembly of the Province of the *Massachusetts-Bay* in *New-England*, Begun and held at *Boston*, the twenty-ninth Day of *May*, 1695. And continued by several Adjournments until the twenty-sixth Day of *February* following.

CHAP. I.

An Act directing the Province Treasurer to lay his Accompts before the General Assembly from Time to Time for their Approbation.

Accompts of the issuing and disposal of the publick Money, to be laid before the General Assembly.

BE it declared and enacted by the Lieutenant Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That the Accompts of the issuing and disposal of Monies and Sums of Money granted and raised, and that hereafter shall be granted and raised by the General Assembly, for the Support and Defence of this His Majesty's Province, and that hath or shall come into the publick Treasury, by any other Ways or Means whatsoever, shall be by the Treasurer laid before the Great and General Assembly, when by them required, for their Examination, Approbation and Allowance from Time to Time, as hath been accustomed. And all such Approbations and Allowances of the General Assembly heretofore, and that hereafter shall be passed, shall be to the Treasurer a full and final Discharge.

Acts and Laws,

Passed by the Great and General Court or Assembly of the Province of the *Massachusetts-Bay* in *New-England*, Begun at *Boston* the twenty-seventh Day of *May*, 1696. And continued by several Adjournments unto the eighteenth of *November* following.

CHAP. II.

An Act for the equal Distribution of Insolvent Estates.

Additional Act. 12 *W.* ca. 8.

BE it enacted by the Lieutenant Governour, Council and Representatives in General Court assembled, and it is enacted and ordained by the Authority of the same, That when the Estate of any Person deceased shall be Insolvent or insufficient to pay all just Debts which the deceased owed; the same shall be set forth and distributed to and among all the Creditors in proportion to the Sums to them respectively owing, so far as the said Estate will extend; saving that the Debts due to the Crown, the Sickness and necessary Funeral Charges of the Deceased are to be first paid. And the Executor or Administrator appointed to any such Insolvent

Manner of Distribution.

Estate, before Payment to any be made (except as aforesaid) shall represent the Condition and Circumstances thereof unto the Judge for Probate of Wills, and granting of Administrations; and the said Judge shall nominate and appoint two or more fit and indifferent Persons to make a true and equal Apprizement of such Estate, and administer an Oath unto them for that Purpose; and shall also nominate and appoint two or more fit Persons to be Commissioners with full Power to receive and examine all Claims of the several Creditors, and how they are made out: And such Commissioners shall cause the Times and Places of their Meeting, to attend the Creditors, for the receiving and examining of their Claims, to be made known and published by posting up the same in some publick Places in the Shire Town of that County where such deceased Person last dwelt, and of the two next adjoining Counties. And six, twelve, or eighteen Months Time (as the Circumstances of any Estate may require) shall be allowed by the Judge unto the Creditors, for bringing in their Claims, and proving their Debts: At the End of which limited Time, such Commissioners shall make their Report, and present a List of all the Claims unto the said Judge, who shall order them meet Recompence out of the Estate, for their Care and Labour in that Affair: And the Debts due to the Crown, Sickness, and necessary Funeral Charges, as is herein before provided, being first subducted, shall order the Residue and Remainder of the Estate to be paid and distributed to and among the other Creditors that shall have made out their Claims in due proportion to the Sums unto them respectively owing, according as the Estate will bear; saving unto the Widow, if any be, her Right of Dower according to Law, in the Houses and Lands of the Deceased; the Widow's Dower at the Expiration of her Term to be also distributed among the Creditors in a like Proportion.

Appriſers to be ſworn.

Commiſſioners to receive the Claims.

Saving of Dower.

Provided, That notwithstanding the Report of any such Commissioners or Allowance thereof made, it shall and may be lawful to and for the Executor or Administrator, to contest the Proof of any Debt at the common Law.

Debts may be conteſted at common Law.

And no Process in Law (except for Debts due to the Crown, Sickness, and Funeral Charges) shall be allowed against the Executors or Administrator of any Insolvent Estate, so long as the same shall be depending as aforesaid.

Proceſs ſuſpended whilſt the Commiſſion is depending.

And whatever Creditor shall not make out his or her Claim with such Commissioners before the full Expiration of the limitted Time, such Person shall be for ever after debarred of his or her Debt, unless he or she can find some further Estate of the Deceased, not before discovered and put into the Inventory.

Creditors excluded that bring not in their Claims.

And be it further enacted by the Authority aforesaid, That every Judge for Probate of Wills and granting Administrations within the respective Counties, be, and hereby is fully authorized and impowred to call before him, and to require and administer an Oath unto any Person or Persons probably suspected by any Executor or Administrator to have concealed, imbezel'd or conveyed away any of the Money, Goods or Chattels left by the Testator, or Intestate, for the discovery of the same. And in Case any such suspected Person was betrusted by the Person deceased, attended upon, or was otherwise conversant with or near unto him in the Time of Sickness; or left in Possession of the Estate whereby to strengthen and make the Suspicion more violent, and shall refuse to clear and acquit him or her self upon Oath; it shall and may be lawful for, and the Judge is hereby impowred to commit such Person so refusing to Swear, unto the Goal of the County, there to remain until he or she shall comply to discharge him or her self upon Oath as aforesaid, or be released by Consent of the Executor or Administrator.

Perſons ſuſpected of Concealment or Imbezelments, to be ſworn.

Penalty for refuſing.

Saving unto any Person aggrieved at any Sentence, Order or Decree, made by the Judge of Probate, Liberty of an Appeal unto the Governour and Council; such Appellant giving Bond in a reasonable Sum with sufficient Security to prosecute his Appeal with Effect, and to abide and perform the Determination that shall be made thereupon.

Appeal.

CHAP.

CHAP. III.

An Act for making of Lands and Tenements liable to the Payment of Debts.

WHEREAS the Estates of Persons within this Province do chiefly consist of Houses and Lands, which give them Credit, some being remiss in paying of their just Debts, and others hapning to die before they have discharged the same: Preamble.

Be it therefore enacted and ordained by the Lieutenant Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That all Lands or Tenements belonging to any Person in his own proper Right in Fee, shall stand charged with the Payment of all just Debts owing by such Person, as well as his personal Estate, and shall be liable to be taken in Execution for Satisfaction of the same, where the Debtor or his Attoney shall not expose to View and tender to the Officer personal Estate sufficient to answer the Sum mentioned in the Execution, with the Charges. Lands and Tenements liable to Execution.

And all Executions duly served upon any such Houses and Lands, being returned into the Clerk's Office of the Court out of which the same issued and there recorded, shall make a good Title to the Party for whom they shall be so taken, his Heirs and Assigns for ever. Also where the Goods and Chattels belonging to the Estate of any Person deceased, shall not be sufficient to answer the just Debts which the Deceased owed, or Legacies given; upon Representation thereof, and making the same to appear unto the Superiour Court of Judicature holden for or within the County where such deceased Person last dwelt; the said Court are hereby impowred to licence and authorize the Executor or Administrator of such Estate to make Sale of all or any Part of the Houses and Lands of the Deceased, so far as shall be necessary to satisfy the just Debts which the Deceased owed at the Time of his Death; and Legacies bequeathed in and by the last Will and Testament of the Deceased. And every Executor or Administrator being so licensed and authorized as aforesaid, shall and may by virtue of such Authority, make, sign and execute in due Form of Law, Deeds and Conveyances for such Houses and Lands as they shall so sell; which Instruments shall make a good Title to the Purchaser, his Heirs and Assigns for ever. Execution duly served and Recorded to make a good Title. Justices of the Superiour Court impowred to License the Sale of Lands, &c.

Provided nevertheless, That any Debt or Debts due to the Crown from any such Estate, shall be first secured and paid out of the same. Debts to the Crown to be first paid.

And be it further enacted by the Authority aforesaid, That when any Person or Persons shall make Sale or other Alienation of any Lands or Tenements to him of Right belonging, with Intent to defeat and defraud his Creditors of their just Debts not *bonâ fide* for good and valuable Consideration truly paid: All such Sales and Alienations are to be deemed covinous and fraudulent, and shall be of no Effect to bar any Creditor from such Debt as is to him owing. Fraudulent Deeds to be void.

CHAP. IV.

An Act to prevent the destroying and murdering of Bastard Children.

WHEREAS many lewd Women that have been delivered of Bastard Children to avoid their Shame, and to escape Punishment, do secretly bury or conceal the Death of their Children, and after, if the Child be found Dead, the said Women do alledge that the said Child was born dead; whereas it falleth out sometimes (although hardly it is to be proved) that the said Child or Children were murdered by the said Women their lewd Mothers, or by their Assent or Procurement: Preamble.

Be

Be it therefore enacted by the Lieutenant Governour, Council and Repreſentatives, convened in General Aſſembly, and it is hereby enacted by the Authority of the ſame, That if any Woman be delivered of any Iſſue of her Body, Male or Female, which if it were born alive, ſhould by Law be a Baſtard; and that ſhe endeavour privately, either by drowning or ſecret burying thereof, or any other Way; either by her ſelf, or the procuring of others ſo to conceal the Death thereof, that it may not come to Light, whether it were born alive or not, but be concealed. In every ſuch Caſe the Mother ſo offending, ſhall ſuffer Death, as in Caſe of Murder: except ſuch Mother can make Proof by one Witneſs at the leaſt, that the Child whoſe Death was by her ſo intended to be concealed, was born dead.

CHAP. V.

An Act againſt High Treaſon.

Compaſſing or imagining the Death of the King, &c.

Be it enacted by the Lieutenant Governour, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame, That if any Perſon or Perſons ſhall compaſs or imagine the Death of Our Sovereign Lord the King, or of Our Lady his Queen, or of the Heir apparent to the Crown: Or if any Perſon ſhall levy War againſt Our Lord the King, or be adherent to the King's Enemies, giving them Aid and Comfort in the Realm, or elſwhere, and thereby be probably attainted of open Deed by his Peers, upon the Teſtimony of two lawful and credible Witneſſes upon Oath, brought before the Offender Face to Face, at the Time of his Arraignment, or voluntary Confeſſion of the Party arraigned. Or if any Perſon or Perſons ſhall counterfeit the King's Great Seal, or Privy Seal, or the Seal of this Province, and thereof be duly convicted as aforeſaid: Then every ſuch Perſon and Perſons ſo as aforeſaid offending, ſhall be deemed, declared and adjudged to be Traitors, and ſhall ſuffer Pains of Death, and alſo looſe and forfeit as in Caſes of High Treaſon.

Levying War againſt the King.

Counterfeiting the Kings Great Seal, &c.

Tryals to be regulated according to the Law of *England*, in Caſes of Treaſon, &c.

And be it further enacted by the Authority aforeſaid, That the Trial of all and every Perſon and Perſons whatſoever accuſed, indicted and proſecuted for high Treaſon and miſpriſion of ſuch Treaſon, ſhall be regulated according to the Act of Parliament made in the ſeventh Year of his preſent Majeſty's Reign, Intitled, *An Act for regulating of Trials in Caſes of Treaſon and miſpriſion of Treaſon*: And the Party ſo accuſed, indicted and proſecuted, to be allowed the Benefits and Privileges in and by the ſaid Act, granted and declared.

CHAP. VI.

An Act in Addition to the Act for preventing of common Nuſances ariſing by Slaughter-Houſes, Still-Houſes, &c.

Preamble. 9 *A.* ca. 8.

FOR the better preventing of Deſolation by Fire, that may happen by drawing of Spirits, or melting down of Tallow:

Be it enacted by the Lieutenant Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame, That if any Diſtiller or Tallow-Chandler ſhall preſume to ſet up any Still or Stills for the drawing of Spirits, Copper or Furnace for the melting of Tallow, or make Uſe of any Still, Copper or Furnace for either of the ſaid Ends in any Houſe or Place, other than ſuch as are or from Time to Time ſhall be

be assigned for that Purpose by the Select-Men of the Town, with two or more Justices of the Peace, contrary to the Intent of the said Act; every Person and Persons soffending, and being thereof duly convicted before his Majesty's Justices in the Court of General Sessions of the Peace within the same County, shall not only incur the Penalty or Fine in the said Act mentioned; but shall also enter into Recognizance to take down such Stills, Coppers or Furnaces; and in Default of entring into Recognizance as aforesaid, to be committed to Prison until he do cause the same the same to be taken down; or else such Stills, Coppers or Furnaces shall be taken down by Order of the said Court; and the Charge thereof to be levied by Distress and Sale of such Offenders Goods, returning the overplus, if any be.

Court of Quarter-Sessions impowred to cause Stills for drawing of Spirits, or Furnaces for melting of Tallow set up without Order to be taken down.

CHAP. VI.

An Act in addition to the Act for regulating Ferries.

Preamble. 11 *A.* ca. 3. 4 *G.* ca. 4.

WHEREAS *there is a constant Recourse of Travellers and others for Passage over the Ferries betwixt* Boston *and* Charlestown, *and betwixt* Boston *and* Winnesimit: *Therefore for Prevention of the great Inconvenience and Damage that doth or may happen to Persons by being hindred and delayed at the said Ferries, for want of speedy Transportation over the same:*

Stated Hours for the Ferry Boats passing at *Winnesimit* Ferry.

Be it enacted by the Lieutenant Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That the Person or Persons that are, or from Time to Time shall be employed for keeping *Winnesimit* Ferry, shall constantly maintain a good Boat or Boats, in good Repair, suitable for the said Ferry on each Side of the Water; and that such Boats whether there be any Passengers in the same or not, shall put off from their respective Shores to go to the other Side, upon each Day in the Week (the Lord's Day excepted) at the Hours of five, seven, nine and eleven a Clock before Noon; and at one, three, five and seven of the Clock after Noon, throughout the whole Year, so as it be within Day-Light; on Pain that every such Ferry-Man or Ferry-Men being complained of and convicted before any one or more of his Majesty's Justices of the Peace of neglect of his Duty, in not crossing the said Ferry at the several Times and Hours before-mentioned, shall forfeit and pay the Sum of *Twenty Shillings*; one Half to the Informer or Complainant, and the other Half to the Use of the Poor of the Town of *Boston*. And such Justice or Justices, may restrain the Offender or Offenders, until he or they shall pay the said Sum.

Penalty for Ferry-Mens Neglect.

And be it further enacted, That all Posts and Expresses for His Majesty's Service, and other Persons having extraordinary Business; as in Cases concerning Life and Death, shall be speedily transported over the said Ferry, at any Time or Season, without Delay; on the Penalty aforesaid: Any Thing herein before contained to the contrary notwithstanding.

Posts &c. to be speedily transported.

Provided nevertheless, That such Ferry-Man or Ferry-Men shall not be obliged to put off from their respective Shores and pass the said Ferry, at any of the Times or Hours before stated, if it manifestly appear to be hazardous for them so to do, by Reason of any Storm or Tempest; or that in the Winter the Ice do hinder the passing of any Boat a-cross the said Ferry.

Saving for stormy Seasons.

And be it further enacted by the Authority aforesaid, That when and so often as it shall happen, that the Boats employed for the Ferry between *Boston* and *Charlstown*, shall be on the same Shore, upon the Landing of the second Boat, the first shall forthwith put off and pass over to the other Side, Passengers or no Passengers; on the like Penalty herein before expressed, and to be disposed of as aforesaid; to the Use of the Poor of *Boston* or *Charlstown* respectively.

At *Charlestown* Ferry, two Boats not to lye on the same Shore. 9 *A* ca 1. 11 *G.* ca. 5.

CHAP.

Acts and Laws,

Passed by the Great and General Court or Assembly of the Province of the *Massachusetts-Bay* in *New-England*, Begun and held at *Boston*, the twenty-sixth Day of *May*, 1697.

CHAP. I.

An Act relating to Town Rates or Assessments.

Preamble.

WHEREAS *divers Constables and Collectors of Town Rates or Assessments, are defective and negligent of their Duty in not timely paying of the same, as by the Warrants or Estreats to them committed they are required:*

For Redress whereof:

13. *W.* ca. 17. 9 *A.* ca. 5 Constables or Collectors of Town Rates not issuing their Accompts thereof by the Time prefixt in their Warrants to be liable to Suit.

Be it enacted by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That the Constables or Collectors within the several Towns in this Province, who have had, or hereafter shall have, any Rates or Assessments for the defraying of Town Charges, orderly made and committed unto them to collect, the Accounts and Payment whereof are not issued; or that at any Time or Times hereafter shall not pay in and issue their Accounts thereof with the Treasurer of such Town, or other Person appointed by the Select-Men to be a Receiver of the same, by the Time prefix'd in the Warrants to them respectively given for the collecting and paying in thereof, or within the space of one Month next after the Expiration thereof; every such defective Constable or Collector, shall be liable to the Action or Suit of the Treasurer or Receiver of such Town: And such Treasurer or Receiver, is hereby impowered and authorized to sue for and recover all such Rates and Assessments, or any Arrears thereof, of and from the Constables or Collectors respectively to whom the same were committed, and that have or shall neglect their Duty in that Regard; by Action, Bill, Plaint or Information, in any of his Majesty's Courts of Record: Any Law, Usage or Custom to the contrary notwithstanding.

CHAP. II.

An Act impowring Justices of the Peace to decide Differences not exceeding *Forty Shillings*.

Justices of the Peace to grant Summons, Capias or Attachment, for Matters triable before them.

Be it enacted and ordained by the Lieutenant Governour, Council and Representatives, convened in General Assembly, and it is hereby enacted and ordained by the Authority of the same, That all Manner of Debts, Trespasses and other Matters, not exceeding the Value of *forty Shillings* (wherein the Title of Land is not concerned) shall and may be heard, tried, adjudged and determined, by any of his Majesty's Justices of the Peace within this Province, in their respective Precincts; who are hereby impowred, upon Complaint made of any such Debt, Trespass or other Matter, as aforesaid, to grant Summons, Capias or Attachment, against the Party complained of, directed to the Sheriff or Marshal of the County; or either of their Deputies, or Constables of the Town wherein such Party lives: For which Summons,

Summons, Capias or Attachment, the Justice shall be paid *one Shilling*; and the Officer for serving the same, *one Shilling*, and no more. And in Case of Non-appearance upon Summons duly served, being so returned by the Officer; such Justice may issue out a Warrant of Contempt directed to the Sheriff, or Marshal or other Officer as aforesaid, to bring the Contemner before him, as well to answer the said Contempt, as the Plaintiff's Action, and may (if he see Cause) fine such Contemner, not exceeding *Ten Shillings*, to be accounted for to the Treasurer of the County towards defraying of County Charges: And after Judgment given in any Case, may grant an Execution or Warrant of Distress directed to the Sheriff or Marshal or other Officer as aforesaid, to levy the said Fine, Debt or Damage, with Charges, upon the Defendants Goods or Chattels. And such Officer by Virtue thereof shall expose the same to Sale, returning the Overplus (if any be) to the Defendant; and for want of such Distress to take the Body of the Defendant, and him to carry and convey to the common Goal of the County or Precinct, there to remain until he hath satisfyed the said Fine, Debt or Damage, with Charges. And in Case such Complainant be Non-suited, or Judgment pass against him, then the said Justice is hereby impowred to assess to the Defendant reasonable Costs against such Complainant, to be levied and recovered in Manner and Form above expressed.

Fee for a Writ and Serving.

Fine for Contempt in not appearing upon Summons.

Provided always, That all Summons, Capias or Attachment before such Justice of the Peace, shall be served and executed at least seven Days before the Time of Trial or Hearing.

Writs to be served seven Days before Trial.

Provided also, That the Party aggrieved shall have Liberty to appeal to the next Inferiour Court of Common Pleas to be holden for the same County, he entring into Recognizance with one sufficient Surety in the Value of the Debt or Damage sued for, and sufficient to answer all Costs to prosecute the said Appeal there with Effect, and to abide the Order of the said Court, where such Case shall be tried, and receive a final Issue and Determination.

Party aggrieved to appeal to the Inferiour Court.

And the Party appealing shall bring the Copies of the whole Case to the Court appealed to, where each Party shall be allowed the Benefit of any further Plea or Evidence; and if upon such new Plea or Evidence the Judgment happen to be reversed, the Appellant shall have no Costs granted for the first Trial, and such Appellant shall also give in the Reasons of his Appeal unto the Justice appealed from, in writing seven Days inclusively before the sitting of the Court appealed to. And all Justices are hereby required to keep fair Records of all their Proceedings from Time to Time.

Party appealing to bring the whole Case.

Reasons of Appeal to be given in seven Days before the Trial.

And be it further enacted by the Authority aforesaid, That the Clerk of any Town within this Province, may and hereby is impowred to grant Replevins, Summons or Attachments for any Matter or Cause triable before any Justice of the Peace, and Summons for Witnesses; and to direct the same to the Constables of such Town, or to the Party to be summoned for Witness respectively; and the Constable or Constables are hereby required to execute such Replevins, Summons or Attachments accordingly, and to make due Return thereof.

Clerks of Towns to grant Replevin, &c.

Acts and Laws,

Passed by the Great and General Court or Assembly of the Province of the *Massachusetts-Bay* in *New-England*, Begun and held at *Boston* the twenty-sixth Day of *May*, 1697. And continued by several Prorogations until the thirteenth of *October* following.

CHAP. III.

An Act against Murder.

Be it enacted by the Lieutenant Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That whosoever shall commit wilful Murder upon premeditated Malice or Hatred; and be thereof convicted, the Person or Persons so offending shall be put to Death.

CHAP. IV.

An Act against Ravishment or Rape.

Be it enacted by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That if any Man shall ravish any Woman, committing carnal Copulation with her by Force against her Will. Or if any Man shall unlawfully and carnally know and abuse any Woman-Child under the Age of ten Years; every Person and Persons offending in either of the Cases before-mentioned, being thereof convicted, shall be accounted Felons, and shall be adjudged to suffer the Pains of Death, as in Cases of Felony.

CHAP. V.

An Act for the Punishment of Buggery.

Preamble. *FOR avoiding of the detestable and abominable Sin of Buggery with Mankind or Beast, which is contrary to the very Light of Nature:*

Be it enacted and declared by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same it is enacted, That the same Offence be judged Felony, and such Order and Form of Process therein to be used against the Offenders as in Cases of Felony. And that every Man being duly convicted of lying with Mankind as he lieth with a Woman. And every Man or Woman that shall have carnal Copulation with any Beast or bruit Creature; the Offender and Offenders in either of the Cases before mentioned, shall suffer the Pains of Death; and the Beast shall be slain and burned.

CHAP. VI.

An Act against Atheism and Blasphemy.

Be it declared and enacted by the Lieutenant Governour, Council and Representatives, convened in General Court or Assembly, and it is enacted by the Authority of the same, That if any Person shall presume wilfully to blaspheme the holy Name of God; Father, Son, or Holy Ghost; either by denying, cursing or reproaching the true God; his Creation or Government of the World: or by denying, cursing, or reproaching the Holy Word of God; that is, the canonical Scriptures contained in the Books of the Old and New Testament; namely *GENESIS, Exodus, Leviticus, Numbers, Deuteronomy, Joshua, Judges, Ruth, Samuel, Samuel, Kings, Kings, Chronicles, Chronicles, Ezra, Nehemiah, Esther, Job, Psalms, Proverbs, Ecclesiastes, The Song of Solomon, Isaiah, Jeremiah, Lamentations, Ezekiel, Daniel, Hosea, Joel, Amos, Obadiah, Jonah, Micah, Nahum, Habbakkuk, Zephaniah, Haggai, Zechariah, Malachi: MATTHEW, Mark, Luke, John, Acts, Romans, Corinthians, Corinthians, Galatians, Ephesians, Philippians, Colossians, Thessalonians, Thessalonians, Timothy, Timothy, Titus, Philemon, Hebrews, James, Peter, Peter, John, John, John, Jude, Revelation:* Every One so offending shall be punished by Imprisonment, not exceeding six Months, and until they find Sureties for the good Behaviour; by sitting in the Pillory; by whipping; boaring thorow the Tongue, with a red hot Iron; or sitting upon the Gallows with a Rope about their Neck; at the Discretion of the Court of Assize, and General Goal Delivery, before which the Trial shall be; according to the Circumstances, which may aggravate or alleviate the Offence.

Provided, That not more than two of the fore-mention'd Punishments shall be inflicted for one and the same Fact.

CHAP. VII.

An Act for registring of Deeds and Conveyances.

Preamble.

FOR the prevention of Clandestine and uncertain Sales of Houses and Lands: And to the Intent it may be the better known what Right, Title or Interest Persons have in or to such Estates as they shall offer to Sale:

Deeds executed by Signing, Sealing, Acknowledgment and Record, to be valid.

Be it enacted and declared by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That henceforth all Deeds or Conveyances of any Houses or Lands within this Province, signed and sealed by the Party or Parties granting the same, having good and lawful Right or Authority thereto, and acknowledged by such Granter or Granters before a Justice of the Peace, and recorded at Length in the Registry of the County where such Houses or Lands do lie; shall be valid to pass the same, without any other Act or Ceremony in the Law whatsoever.

No Bargain, Sale, &c. made three Months next after this Act to be good against any, but the Granter, without being Acknowledged & Recorded.

And that from and after three Months next after Publication of this Act, no Bargain, Sale, Mortgage or other Conveyance of Houses or Lands made and executed within this Province, shall be good and effectual in Law to hold such Houses or Lands against any other Person or Persons, but the Granter or Granters, and their Heirs only; unless the Deed or Deeds thereof be acknowledged and recorded in Manner as is before expressed.

Proof of a Deed by Witnesses, in case, to be equivalent to Acknowledgment.

Provided nevertheless, That when and so often as it shall happen any Granter to live in Parts beyond Sea, or to be removed out of this Province, or to be dead before any Deed or Conveyance by him or her made, be acknowledged as aforesaid; in every such Case, the Proof of such Deed or Conveyance made by

the Oaths of two of the Witneſſes thereto ſubſcribed, before any Court of Record within this Province, ſhall be equivalent to the Parties own Acknowledgment thereof.

And be it further enacted by the Authority aforeſaid, That if any Granter or Vender of any Houſes or Lands ſhall refuſe to acknowledge as is aforeſaid, any Grant, Bargain, Sale, or Mortgage by him or her ſigned and ſealed, being thereunto required by the Grantee or Vendee, his, her, or their Heirs or Aſſigns; it ſhall be lawful for any Juſtice of the Peace within the County where ſuch Granter or Vender lives, upon Complaint made, to ſend for the Party ſo refuſing; and if he or ſhe perſiſt in ſuch Refuſal, to commit him or her to Priſon without Bail or Mainprize, until ſuch Party ſhall acknowledge the ſame. It being firſt made appear and proved to be the Act and Deed of the ſame Party by the Oath of one or more of the Witneſſes thereto ſubſcribed; and ſuch Grantee or Vendee filing a Copy of his Deed ſo proved in the Regiſter's Office, ſhall thereby ſecure his Title in the mean Time, and the ſame ſhall be accounted ſufficient Caution to every other Perſon and Perſons againſt purchaſing the Eſtate in ſuch Deed mentioned to be granted.

Penalty for Perſons refuſing to Acknowledge their Deeds.

Provided, That nothing in this Act ſhall be conſtrued, deemed or extended to bar any Widow of any Vender or Mortgager of Lands or Tenements, from her Dower or Right in or to ſuch Lands or Tenements, who did not legally join with her Husband in ſuch Sale or Mortgage, or otherwiſe lawfully bar or exclude her ſelf from ſuch her Dower or Right.

Saving for Dower.

And it is further enacted by the Authority aforeſaid, That any Mortgagee of any Lands or Tenements, his or her Heirs, Executors or Adminiſtrators having received full Satisfaction and Payment of all ſuch Sum and Sums of Money as are really due to him by ſuch Mortgage; ſhall at the Requeſt of the Mortgager, his Heirs, Executors or Adminiſtrators acknowledge and cauſe ſuch Satisfaction and Payment to be entred in the Margin of the Record of ſuch Mortgage in the Regiſter's Office, and ſhall ſign the ſame, which ſhall for ever thereafter diſcharge, defeat and releaſe ſuch Mortgage, and perpetually bar all Actions to be brought thereupon in any Court of Record. And if ſuch Mortgagee, his or her Heirs, Executors or Adminiſtrators ſhall not within ten Days next after Requeſt in that Behalf made, and Tender of his, her or their reaſonable Charges; repair to the Regiſter's Office, and there make and ſign ſuch Acknowledgement as aforeſaid, or otherwiſe ſign and ſeal a Diſcharge of the ſaid Mortgage, and Releaſe and Quit-Claim to the Eſtate therein mentioned to be granted, and acknowledge the ſame before a Juſtice of Peace, he, ſhe, or they ſo refuſing, ſhall be liable to make Good all Damages for want of ſuch Diſcharge or Releaſe: to be recovered by Action or Suit in any Court of Record. And in Caſe Judgment paſs againſt the Party ſo ſued, he, ſhe or they ſo caſt, ſhall pay unto the adverſe Party treble Coſts ariſing upon ſuch Suit.

How Mortgages ſhall be diſcharged.

And be it further enacted and declared by the Authority aforeſaid, That the Clerk of the Inferiour Court of Pleas in each reſpective County ſhall alſo be the Regiſter of Deeds and Conveyances, and ſhall fairly enter and record at Length all Deeds, Conveyances and Mortgages of any Lands, Tenements, Rents and other Hereditaments, lying and being within the ſame County, made, executed, acknowledged or proved in Manner as is aforeſaid, which ſhall be brought to him to Record; and ſhall on Receipt thereof into the Office, note thereupon the Day, Month and Year when he received the ſame; and the Record ſhall bear the ſame Date. And every ſuch Regiſter before he execute the ſaid Office, ſhall be Sworn before one or more of the Juſtices of ſuch Court, well, truly and faithfully to execute the ſame. And it ſhall and may be lawful to and for every Regiſter aforeſaid, to ask and receive for entring and recording any Deed, Conveyance or Mortgage, *twelve Pence* for the firſt Page, and *eight Pence* a Page for ſo many Pages more as it ſhall contain, and no more; accounting after the Rate of twenty-eight Lines, of eight Words in a Line to each Page, and proportionably for ſo much more as ſhall be under a Page, and *ſix Pence* for

1 *G.* ca. 4. 7 *G.* ca. 7. 12 *G.* ca. 3. Clerk of the Inferiour Court to be Regiſter of Deeds.

to be Sworn.

Regiſter's Fees

for his Atteſtation on the Original, of the Time, Book and Folio where it is recorded; and for Diſcharge of a Mortgage as aforeſaid, *one Shilling*, and no more.

And be it further enacted and declared by the Authority aforeſaid, That all Deeds of Bargain, Sale or Mortgage heretofore made and executed, according to former Laws and Uſage, ſhall be valid and effectual. Deeds executed according to former Laws and Uſage valid.

CHAP. VIII.

An Act of Limitation for Quieting of Poſſeſſions.

Preamble. WHEREAS *a good and beneficial Act was made by the late Governour and Company of the Colony of the* Maſſachuſetts-Bay, *in the Year of Our Lord God, One Thouſand ſix Hundred fifty ſeven, in the Words following: That is to ſay,* 'That any Perſon or Perſons that hath either himſelf or by his Grantees or Aſſigns before the Law made for Direction about Inheritances, bearing Date *October* the nineteenth, One Thouſand ſix Hundred fifty and two, poſſeſſed and occupied as his or their own proper Right in Fee-ſimple, any Houſes or Lands within this Juriſdiction, and ſhall ſo continue, whether in their own Perſons, their Heirs or Aſſigns, or by any other Perſon or Perſons from, by or under them, without Diſturbance, Lett, Suit or Denial legally made by having the Claim of any Perſon thereto entred with the Recorder of the County where ſuch Houſes or Lands do lie, with the Names of the Perſons ſo claiming, and the Quantity, Bounds of the Lands or Houſes claimed, and ſuch Claim proſecuted to Effect within the Term of five Years next after the twentieth of *May*, One Thouſand ſix Hundred and fifty ſeven. Every ſuch Proprietor, their Heirs and Aſſigns ſhall for ever after enjoy the ſame without any lawful Lett, Suit, Diſturbance or Denial by any after Claim of any Perſon or Perſons whatſoever; any Law or Cuſtom to the contrary notwithſtanding'. *Which afore-recited Act having by Experience been found to be of great Benefit and Service to His Majeſty's Subjects within the ſaid Colony, and preventing many Conteſts and Law-Suits which otherwiſe would have riſen by Reaſon of a Neglect in many Perſons to obſerve a legal Courſe and Method for the paſſing and Confirmation of Sales and Alienations.*

And whereas ſundry Perſons having a juſt and equitable Right and Title unto Eſtates in Houſing or Lands, either acquired by Purchaſe, or otherwiſe accruing unto or ſettled upon them ſince the paſſing of the afore-recited Act; may want formal Conveyances and Aſſurances in the Law for the ſame; or the Deeds, Inſtruments or other Writings concerning ſuch Eſtates may be defective, or imperfectly made and executed, whereby ſuch Perſons may be in Danger of being deprived and evicted out of their honeſt and juſt Rights and Poſſeſſions:

For Prevention whereof, and for the further Quieting of Poſſeſſions, and Setling of Titles:

Be it enacted and declared by the Lieutenant Governour, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame, That every Perſon and Perſons who were poſſeſſed in his and their own proper Right of any Houſes or Lands within this Province upon the firſt Day of *October*, in the Year of our Lord God, One Thouſand ſix Hundred ninety two, and all others deriving from, by or under him or them, continuing the Poſſeſſion of ſuch Houſes or Lands until the firſt Day of *October*, which will be in the Year of our Lord God, One Thouſand ſeven Hundred and Four, without Moleſtation or Diſturbance by Claim made thereto, and Action brought and proſecuted for the ſame with Effect; ſhall by Virtue of ſuch Poſſeſſion have, hold and enjoy ſuch Houſes or Lands unto him or them, his Quiet Poſſeſſion from the firſt of *October* 1692, until the firſt of *October* 1704, to give a Right.

his and their Heirs and Aſſigns for ever in Fee. And all Actions and Proceſs to be thereafter brought for the ſame, are hereby excluded and for ever debarred.

Saving for the Kings Right.

Provided always, That there ſhall be a Saving of his Majeſty's Rights, and all publick Lands belonging to the Province, not orderly diſpoſed of.

Other Savings.

Provided alſo, That this Act ſhall not be underſtood to bar the Title of any Infant, *Feme Covert*, or Perſon *non compos mentis*, Impriſoned, or in Captivity; who ſhall be allowed the Term of ſeven Years next after ſuch Imperfection removed, to purſue their Claim or Challenge to any Houſes or Lands, wherein they have Intereſt or Title: And the like Time of ſeven Years ſhall be allowed to Perſons having an Eſtate in Reverſion in any Houſes or Lands, from the Time ſuch Reverſion falls, to recover their Right; and Perſons beyond Sea ſhall be allowed the Term of ten Years from the Publication of this Act, to purſue their Claim or Challenge to any Houſes or Lands as aforeſaid.

Preamble.

And foraſmuch as divers Towns and Settlements in the Eaſtern Parts of this Province have been deſerted and broken up by Reaſon of the Rebellion and War made by the Indians; *and ſundry Perſons in other the Frontier Towns, particularly enumerated in an Act of the General Aſſembly, have by Means thereof been driven from their Habitations and Improvements:*

Five Years Time allowed from & after the ending of the War with the *Indians*, to lay claim to Lands lying to the Eaſtward of Piſcataqua River, and in other the Frontiers. 1 *G.* ca. 6.

Be it therefore further provided and declared by the Authority aforeſaid, That the Limitation of Time for the Continuance of Poſſeſſion by this Act prefixed, ſhall not extend or be underſtood to extend unto any Houſes or Lands lying to the Eaſtward of *Piſcataqua* River, or in other the Frontiers: but the ſame Time ſhall be, and hereby is enlarged and lengthened out for the ſpace of five Years next after the ending of the War with the *Indians*; during which ſpace all Perſons may purſue their Right and Claim to any Houſes and Lands lying in thoſe Parts and Places and every of them. And that no Perſon or Perſons pretending Right or Title in or to any Lands lying within this Province purchaſed of any *Indian* or *Indians*, without orderly Allowance and Confirmation thereof had, according to former Laws and Uſage of the ſeveral late Colonies of *Maſſachuſetts* and *New-Plymouth*, and *Province of Maine* reſpectively; ſhall have or receive any Benefit by this Act with Reference to ſuch Lands.

Lands purchas'd of *Indians* without orderly Allowance, &c. are not confirmed by this Act.

Acts and Laws,

Paſſed by the Great and General Court or Aſſembly of the Province of the *Maſſachuſetts-Bay* in *New-England*, Begun and held at *Boſton*, the twenty-fifth Day of *May*, 1698.

CHAP. I.

An Act to prevent Incroachments upon High Ways, Streets, &c.

Preamble.

FOR *AS MUCH as divers Incumbrances and Incroachments have been made in and upon the common Roads, High Ways and Streets heretofore laid out in ſeveral Towns within this Province:*

For Redreſs whereof:

Be it enacted by the Lieutenant Governour, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame, That henceforth no Edifice, Building or Fence whatſoever, ſhall be raiſed, erected, built, or ſet up in, upon, or over any of the ſaid Roads, High Ways, Streets, Lanes or Alleys, in any Town within this Province, or any Part of

of any of them, whereby to ſtraiten the Paſſage, or any Ways leſſen the full Breadth of any ſuch Roads, High Ways, Streets, Lands or Alleys. And if any Edifice, Building or Fence whatſoever ſhall be raiſed, erected, built or ſet up, upon, in or over any ſuch Road, High Way, Street or Alley, contrary hereunto; every ſuch Edifice, Building or Fence ſhall be deemed and held to be a common Nuſance: And the Court of General Seſſions of the Peace for the County in which ſuch Town doth lie, upon Complaint, and making out the ſame before them, are hereby impowred to Order and Cauſe ſuch Edifice, Building or Fence to be taken down, demoliſhed and removed; and alſo to cauſe to be removed all ſuch Incroachments, or Incumbrances as heretofore have been made, upon, in or over any common Road, High Way or Street as aforeſaid; and the Charge thereof to be anſwered and paid by diſpoſing of ſo much of the Materials, as ſhall be neceſſary to ſatisfy the ſame.

Provided nevertheleſs, That this Act ſhall not be intended or conſtrued to intend the prohibiting of the ſetting up of any Conduit, Watch-Houſe, Cage or Stocks, for publick Uſe in or upon any High Way or Street within any Town.

CHAP. II.

An Act for regulating of Tanners, Curriers, and Cordwainers.

Preamble.

FOR *the better preventing of Deceits and Abuſes by Tanners, Curriers, and Dreſſers, or workers up of Leather:*

No Butcher, Currier or Shoe-maker, to be a Tanner.

Be it enacted by the Lieutenant Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame, That no Perſon or Perſons whatſoever uſing or occupying the Feat or Myſtery of a Butcher, Currier or Shoe-maker, by himſelf or any other, ſhall uſe or exerciſe the Feat or Myſtery of a Tanner; on Pain of the forfeiture of *ſix Shillings and eight Pence* for every Hide or Skin by him or them ſo tanned, whilſt he or they ſhall uſe or occupy any of the Myſteries aforeſaid. Nor ſhall any Tanner during his uſing the ſaid Trade of Tanning by himſelf or any other, uſe or occupy the Feat or Myſtery either of Butcher, Currier or Shoe-maker; upon Pain of the like Forfeiture as aforeſaid. And no Butcher whatſoever by himſelf or any other Perſon, ſhall gaſh or cut any Hide of Ox, Bull, Steer or Cow, in fleaing thereof, or otherwiſe, whereby the ſame ſhall be impaired or damaged; on Pain of forfeiting *twelve Pence* for every gaſh or cut in any ſuch Hide or Skin.

No Tanner to uſe the Trade of Butcher, Currier or Shoemaker.

No Tanner to offer or put to Sale any Leather inſufficiently tanned.

And be it further enacted by the Authority aforeſaid, That no Perſon or Perſons whatſoever uſing, or which ſhall uſe the Myſtery or Faculty of Tanning, ſhall at any Time or Times hereafter, offer to put to Sale any Kind of Leather which ſhall be inſufficiently tanned, or which have been over-limed, or burnt in the Limes; or which ſhall not have been after the Tanning thereof well and throughly dried; or that ſhall not be ſealed as in and by this Act is hereafter directed; upon Pain of forfeiting the whole Hide, half Hide or other Piece of ſuch Leather, ſo offered or put to Sale. And no Perſon or Perſons whatſoever uſing, or that ſhall hereafter uſe the Myſtery or Faculty of Tanning, ſhall ſet any of his or their Fatts in Tan-Hills or other Places where the Woozes or Leather put to tann in the ſame, ſhall or may take any unkind Heats, nor ſhall put any Leather into any hot or warm Woozes whatſoever, on Pain of forfeiting *Twenty Pounds* for every ſuch Offence.

No unkind Heats to be uſed in Tanning.

No Leather to be curried that is not ſealed.

And be it further enacted by the Authority aforeſaid, That no Perſon or Perſons whatſoever, uſing or occupying, or that ſhall hereafter uſe or occupy the Myſtery or Faculty of Currying, ſhall or may curry any Kind of Leather, except it be ſealed as is herein after provided; nor ſhall curry any Hide being

not

not throughly dried after his wet Season, in which wet Season he shall not use any stale Urine, or any other deceitful or subtle Mixture, Thing, Way or Means to corrupt or hurt the same; nor shall curry any Leather meet for outer Sole Leather, with any other than good hard Tallow, nor with any less of that than the Leather will receive; nor shall curry any Kind of Leather meet for upper Leather and inward Soles, but with good and sufficient Stuff, being fresh and not Salt, and throughly Liquored till it will receive no more; nor shall burn or scald any Hide or Leather in the currying, but shall work the same sufficiently in all Points and Respects: on Pain of forfeiting for every such Offence or Act done contrary to the true Intent and Meaning hereof, every such Hide marred or hurt by his evil Workmanship or handling.

Penalty on Curriers for marring or hurting any Hide by evil workmanship.

And be it further enacted by the Authority aforesaid, That no Person or Persons using or that shall hereafter use or occupy the Mystery or Faculty of a Shoe-maker or Cordwainer, shall work up into Shoes, Boots, or other Wares, any Leather that is not tanned and curried in Manner as aforesaid; nor shall use any Leather made of Horses Hide, for the inner Soles of any such Shoes or Boots; on Pain of forfeiting all such Shoes, Boots, or other Wares made or wrought up of such insufficient Leather.

Penalty on Shoe makers for working up insufficient Leather.

And for the more effectual execution of this Act:

Be it enacted by the Authority aforesaid, That all Leather that is or shall hereafter be tanned or curried, shall before the same pass out of the Tanners or Curriers Yard, House or Place respectively where it was wrought; be viewed by the sworn Searchers and Sealers of Leather by Law directed to be annually chosen in such Towns where there shall be Need, who shall have two several Marks or Seals, to be prepared by each Town for that Purpose, with one of which they shall Seal all such Leather as they shall find well and sufficiently tanned in all Respects as aforesaid; and with the other, all such Leather as they shall find well and sufficiently curried as is before mentioned, and no other. And the said Searchers and Sealers shall, and hereby are authorized and impowred *ex officio*, to make Search and View in any House, Shop, Warehouse or other Place within the Limits of their respective Precincts where they conceive any Leather to be, whether wrought into Shoes, Boots, or other Wares, or not, as oft as they shall think meet, or as there shall be Need. And if the said Searchers and Sealers, or any of them, shall find any Leather sold or offered to be sold, brought or offered to be Searched and Sealed, which shall be tanned, curried, handled or used contrary to the true Intent and Meaning of this Act: or shall find any Leather in whole Sides out of the Possession of a Tanner, not being sealed with the Mark or Seal to be used for Leather only tanned; or out of the Possession of a Currier, not being sealed with the Mark or Seal to be used for Leather when curried: In every such Case it shall and may be lawful for the said Searchers and Sealers, or any of them, to seize all such insufficient or unsealed Leather, whether it be wrought up into Wares, or not. And if the Owner or Claimer thereof shall not submit to the Judgment of the Officer or Officers that seized the same, such Officer or Officers shall retain such Leather in his or their Custody, until Trial thereof be had as is hereafter directed, and Judgment thereon given. And in such Case the said Officer or Officers shall within three Days next after such Seizure, inform some Justice of the Peace thereof, who shall thereupon appoint four or six Men, honest and skilful in Leather, to view the same in Presence of the Owner or Claimer, or without him (if having Notice) he does not appear; and to report unto him upon their Oaths the Defects which they find in the said Leather: Which Report such Justice shall return unto the Court or Justice respectively before whom the Trial of the said Leather shall be. But in Case the said Viewers shall report that they do not find such Leather or Wares so seized, in any Respect defective according to the Intent of this Act; the Justice that appointed such Viewers shall cause the same to be forthwith discharged from the Seizure made by such Officer or Officers.

All Leather to be sealed before it pass out of the Possession of Tanners or Curriers.

Sealers *ex officio* to search and view Leather.

To seize all insufficient or unsealed Leather.

Tryers to be appointed.

And

And be it further enacted by the Authority aforesaid, That no Person or Persons whatsoever shall or may withstand or resist the Searchers and Sealers in the due Execution of their Office, nor in the seizing of any insufficient Leather or Wares; on pain of forfeiting the Sum of *five Pounds* for every such Offence. And the Fee for searching and sealing of Leather shall be *one Penny* per Hide for any Parcel less than five; and for all other Parcels, after the Rate of *six Pence* per Dickar; which Fee the Tanner and Currier respectively shall pay upon sealing the said Leather from Time to Time; and shall also pay *three Pence* per Mile for every Mile any Sealer or Searcher shall travel above one, for which he is not to be allowed any thing.

Penalty for resisting the Searchers.

Fee for Sealing.

And no Sealer or Searcher of Leather shall refuse within convenient Time to do his Office; or shall allow any Leather or Wares which are not sufficient; on pain of forfeiting *forty Shillings*; nor shall take any Bribe, or exact more than his due Fees; on pain of forfeiting the Sum of *ten Pounds* for every such Offence.

Penalty on Sealers for neglect of Duty.

And be it further enacted by the Authority aforesaid, That all Fines, Penalties and Forfeitures that shall arise and grow due by Virtue of this Act or any Clause therein contained; shall accrue and be disposed of in Manner following, *viz.* One third Part thereof to the Treasurer of the County where the Offence is committed, for the defraying of County Charges; one third Part thereof to the Treasurer or Select-Men of the Town, where the Offender inhabiteth, to the Use of the Poor of such Town; and the other third Part to the Seizer or Seizers of such insufficient Leather, or to him or them that shall inform and sue for the said Fines, Penalties or Forfeitures; to be recovered by Action, Bill, Plaint or Information in any Inferiour Court of Common Pleas, or before any Justice of Peace, when the Matter doth not exceed the Value of *forty Shillings*.

Fines and Forfeitures how to be disposed.

And be it further enacted by the Authority aforesaid, That when and so often as any Leather belonging to any Tanner or other Person shall be seized and become forfeit for any Defect of the Currier in his workmanship about or handling of the same; such Currier shall be liable to make good unto the Tanner or other Owner of such Leather so seized and forfeited, the full Value thereof, with his just Costs and Damages, to be recovered by Action to be therefore brought against such Currier in any Inferiour Court of Common Pleas, or before any Justice of Peace, if the Value exceed not *forty Shillings*: For the better ascertaining of which Value, the Persons to be appointed as aforesaid for viewing the Defects in Leather, shall (when the same is seized for being marred or spoiled by the Currier) through his ill Workmanship or handling, be also appointed to estimate and judge the Value thereof, and make Report of the same together with the Defects.

Curriers liable to make good the value of all Leather seized for ill workmanship.

CHAP. III.

An Act for establishing the Form of the Writ and Precept for calling a Great and General Court or Assembly.

Be it enacted and ordained by the Lieutenant Governour, Council and Representatives, convened in General Assembly, and it is hereby enacted and ordained by the authority of the same, That the Writ to be at any Time hereafter issued by the Governour or Commander in Chief of this Province for calling a Great and General Court or Assembly; as also the Precept to be issued by the Sheriff or Marshal in observance thereof, to the Select-Men of the several Towns, and their Return thereupon (when any Person or Persons shall be chosen to represent them in the said Court) shall be the Forms following. *That is to say.*

Writ for calling a Great and General Court or Assembly.

WILLIAM *the Third by the Grace of GOD, of* England, Scotland, France *and* Ireland, *KING, Defender of the Faith,* &c.

To Our Sheriff or Marshal of Our County of S. *within Our Province of the* Massachusetts-Bay *in* New-England. Greeting.

We Command, That upon Receipt hereof, you forthwith make out your Precept, directed unto the Select-Men of each respective Town within your Precinct, requiring them to cause the Freeholders and other Inhabitants of their several Towns, duly qualified, as in and by Our Royal Charter is directed, to assemble at such Time and Place as they shall appoint, to elect and depute One or more Persons (being Freeholders and Resident in the same Town) according to the Number set and limitted, by an Act of the Great and General Court or Assembly of Our aforesaid Province, to Serve for and Represent them respectively in a Great and General Court or Assembly by Us appointed to be convened, held and kept for Our Service; at the Town-House in *Boston*, upon the Day of next ensuing the Date of these Presents; and to cause the Person or Persons so elected and deputed by the major Part of the Electors present at such Election, to be timely notified and summoned by the Constable or Constables of such Town, to attend Our Service in the said Great and General Court or Assembly, on the Day above prefixed, by Nine in the Morning, and so *De Die in Diem*, during their Session and Sessions; and to return the said Precepts with the Names of the Person or Persons so elected and deputed, unto your self: whereof you are to make Return, together with this Writ, and of your Doings therein, under your Hand, into Our Secretary's Office at *Boston*, one Day at the least before the said Court's sitting. Hereof you may not fail at your Peril. Witness and Commander in Chief, in and over Our Province of the *Massachusetts-Bay* aforesaid. Given at *Boston* under the publick Seal of our said Province, the Day of In the Year of Our Reign. *Annoque Domini*

By Command of
J. A. Secr.

Suffolk, ss.

Precept to the Select-Men, for Choice of Representatives.

IN Observance of His Majesty's Writ to me directed: These are in His Majesty's Name to Will and Require you forthwith to cause the Freeholders and other Inhabitants of your Town, that have an Estate of Freehold in Land within this Province or Territory, of *forty Shillings* per Annum at the least, or other Estate, to the Value of *fifty Pounds* Sterling, To assemble at such Time and Place as you shall appoint; then and there to elect and depute one or more Persons (being Freeholders and Resident in the same Town) according to the Number set and limitted by an Act of the General Assembly, to Serve for and Represent them in a Great and General Court or Assembly, appointed to be convened, held and kept for His Majesty's Service at the Town-House in *Boston*, upon the Day of next ensuing the Date hereof; and to cause the Person or Persons so elected and deputed by the major Part of the Electors present at such Election, to be timely notified and summoned by one or more of the Constables of your Town, to attend His Majesty's Service in the said Great and General Court or Assembly, on the Day above prefixed, by Nine in the Morning, and so *De Die in Diem*, during their Session and Sessions. Hereof fail not, and make Return of this Precept, with the Names of the Person or Persons so elected and deputed, with their being Summoned, unto my self Days at the least before the said Day of next. Given under my Hand and Seal at *B.* the Day of In the Year of His Majesty's Reign. *Annoque Domini*

A. B.
of the County of Suffolk.

To the Select-Men of the Town of
B. in the County aforesaid. Greeting.

Pursuant

Form of Return. Pounds. 89

PUrſuant to the Precept within written, the Freeholders and other Inhabitants of the Town of *B.* qualified as is therein directed, upon due warning given, aſſembled and met together the Day of and then did elect and depute to ſerve for and repreſent them in the Seſſion and Seſſions of the Great and General Court or Aſſembly appointed to be convened, held and kept for His Majeſty's Service at the Town Houſe in *Boſton*, upon the Day of the ſaid Perſon being choſen by the major Part of the Electors preſent at ſaid Meeting. Dated in *B.* aforeſaid, the Day of *Anno Domini*

Return to be indorſed on the Precept.

The Perſon choſen as aboveſaid, notified thereof and ſummoned to attend accordingly, by me A. B. *Conſtable of* B.

A. B.
C. D.
E. F.
} *Select-Men of* B.

CHAP. IV.

An Act for providing of Pounds, and to prevent Reſcous and Pound-Breach.

BE it enacted by the Lieutenant Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame, That there ſhall be a ſufficient Pound or Pounds made and maintained from Time to Time, in every Town and Precinct within this Province, in ſuch Part or Places thereof, as the Select-Men ſhall direct and appoint, at the Coſt and Charge of ſuch Town or Precinct; for the impounding and reſtraining of all Swine, Cattel or Sheep, liable to be Impounded or Reſtrained, for any of the Cauſes herein after mentioned.

Each Town to maintain a ſufficient Pound.

And that it ſhall and may be lawful to and for any other Perſon or Perſons as well as the Hawards or Field-Drivers, to take up and Impound, or cauſe to be Impounded, any Swine, Neat Cattel, Horſes or Sheep, as ſhall be found damage feaſant in any Corn-Field, or other Incloſure; or Swine found unyoked or unringed; Neat Cattle, Horſes or Sheep going upon the Common, not allowed to feed there by the major Part of the Propriety, who are impowred to permit the ſame; any Law to the contrary notwithſtanding. And the Owners or Claimers of any ſuch Creatures Impounded as aforeſaid, ſhall pay the Fees ſet in and by an Act Intitled, *An Act for regulating of Fences, Cattel, &c.* unto the Pound-keeper, before they be delivered out of Pound; as alſo the Fee to the Party Impounding, and Damage to the Party injured; unleſs ſuch Owner or Claimer ſhall think fit to Replevie his Creatures Impounded, and give ſufficient Bond with one or more Sureties to proſecute the Repleven with Effect in Law, either before a Juſtice of the Peace, within fifteen Days incluſive from the Date of ſuch Replevin, or at the next Inferiour Court of Common Pleas to be holden within the ſame County, according to the Value of the Damages alledged to be ſuffered, and to pay all ſuch Coſts and Damages as ſhall be awarded againſt him.

For what Cauſes Cattel *&c.* are to be Impounded.

Fee for Impounding. 5 *W. & M.* ca. 11.

And every Perſon Impounding any Swine, neat Cattle, Horſes or Sheep, ſhall give preſent Notice thereof unto the Owner, if known; or leave a Notification thereof in writing at his Houſe or Place of uſual Abode: or if unknown, ſhall cauſe the ſame to be publickly Cried or poſted up in ſome publick Place in ſuch Town, and in the two next neighbouring Towns, from whence it may be moſt likely ſuch Creatures came. And ſhall alſo cauſe the Creatures ſo Impounded, to be relieved with ſuitable Meat and Water; the Charge whereof ſhall be paid by the Owner or Owners; as alſo of the Crying of them, after the Rate of *three Pence* per Head, for a Number not exceeding Twelve; and no more than *three Shillings* for a greater Number. And if no Owner or Claimer appear within the ſpace of three Days next after the Impounding of any ſuch Creatures; then the

The Owner of Creatures Impounded to be notified thereof (if known) if not the Creatures to be cryed, and poſted up. Fee for Crying.

After three Days, to be proceeded with as Strays.

Perſon or Perſons ſo reſtraining of them ſhall proceed with them as the Law provides reſpecting Strays.

Penalty for a Reſcous.

And be it further enacted by the authority aforeſaid, That if any Perſon or Perſons ſhall reſcue any Swine, neat Cattel, Horſes or Sheep taken up as aforeſaid, out of the Hands of the Haward, or other Perſon being about to drive them to the Pound; whereby the Party injured may be liable to loſe his Damages, and the Law be eluded: the Party ſo offending, ſhall for ſuch Reſcous, forfeit and pay the Sum of *forty Shillings* to the Uſe of the Poor of the Town or Precinct where the Offence is committed; beſides all juſt Damages unto the Party injured; to be recovered by Action, Bill, Plaint, or Information in any of his Majeſty's Courts of Record. And if any Perſon or Perſons ſhall make any Pound-Breach; or by any other indirect Ways or Means howſoever, convey or deliver any Creatures Impounded, out of the Pound; the Party ſo offending being duly convicted thereof, ſhall forfeit and pay the Sum of *five Pounds*, to the Uſe of the Poor of the Town or Precinct where the Offence is committed; as alſo all juſt Damages to the Party injured by ſuch Creatures, to be had and recovered in Manner as aforeſaid. And if ſuch Reſcous Pound-Breach, or conveying of Creatures out of the Pound, happen to be committed by any Apprentices or Perſons under Age, not having of their own wherewith to ſatisfy the Law, and their Parents or Maſters refuſe to pay the Fine and Damages, which the Law in ſuch Caſe does inflict; it ſhall and may be lawful to and for the Juſtices before whom ſuch Action or Plaint ſhall be degending; upon a due Conviction of the Perſon or Perſons complained of, and proſecuted for ſuch Offence, to commit him or them to the next Goal in the County where the Offence is done, there to remain till Satisfaction be made as above-ſaid: Or otherwiſe may puniſh ſuch Offender by Impriſonment, not exceeding ſixty Days, in Lieu of the Fine; and leave the Party injured to his Remedy at Law, to recover his Damage of the Parent or Maſter of ſuch Child or Apprentice; which ſuch Parent or Maſter reſpectively ſhall be liable to have recovered of him upon Action to be therefore brought; and Execution to be accordingly awarded upon Judgment given in that Reſpect.

Penalty for Pound breach

Committed by Apprentices or Perſons under Age, how to be puniſhed.

Treſpaſs done in common or general Fields.

5 *W. & M.* ca. 11.

And be it further enacted by the authority aforeſaid, That when and ſo often as any Treſpaſs or Treſpaſſes ſhall be done in common or general Fields, not being ſufficiently fenced in, as the Law directs; the Party injured ſhall forthwith procure two ſufficient Perſons of good Repute and Credit, to view and adjudge of the Damage done, giving Notice of ſuch Treſpaſs unto the Owner or Claimer of the Beaſt or Cattel that did the ſame (if known and Reſident in the ſame Town, or near by) that he may be preſent, and nominate one of the Apprizers if he ſee Cauſe; and the Damage to be anſwered according to ſuch Eſtimation.

The Owner of defective Fence, to make good Damages.

And where Damage happens through the Inſufficiency of the Fence, the Owner or Occupier of the Land to which the defective Fence belongs, ſhall be liable to anſwer and make good all ſuch Damage.

CHAP. V.

An Act for preventing of Treſpaſſes.

Robbers of Orchards, Gardens &c. how to be puniſhed.

BE it enacted by the Lieutenant Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame, That all and every Perſon and Perſons which ſhall unlawfully cut or take away any Graſs, Corn or Grain, growing; or rob any Orchard or Garden; or break or cut, pull down or remove any Hedge, Pale, Rail or Fence; or that ſhall hurt or dig, or pull up, or take away any Grafts or Fruit-Trees: and their Procurers or Receivers knowing the ſame, being thereof convict by Confeſſion of the Party, or by the Teſtimony of ſufficient Witneſſes

Witneſſes upon Oath before any Court, or any one Juſtice of the Peace in the County where the Offence ſhall be committed ; ſhall pay unto the Party injured, ſuch Recompence as by the Court or Juſtice before whom the Treſpaſs is found, ſhall be awarded. Additional Act, 12 G. ca 5.

And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall cut or carry off any Manner of Wood, Underwood, Timber, Poles, or Trees ſtanding, lying or growing on the Land of any others ; or off or from the Commons of any Town, other than that to which he doth belong ; or within the ſame Town, having no Right or Priviledge there, without Leave or Licence from the major Part of the Propriety of ſuch Commons ; or the Owner or Owners of the Land whereon ſuch Wood, Underwood, Timber, Poles or Trees were ſtanding, lying or growing : Every Perſon ſo offending, ſhall forfeit and pay unto the Party or Parties injured or treſpaſſed upon, the Sum of *twenty Shillings* for every Tree of one Foot over ; and *ten Shillings* for every Tree or Pole under that bigneſs ; and for other Wood or Underwood, treble the Value thereof ; to be recovered by Action, Bill, Plaint or Information, before any Juſtice of the Peace in the County where the Offence is committed ; if the Forfeiture exceed not *forty Shillings :* but if it be above that Value, then before the Inferiour Court of Common Pleas within the ſame County. And if any Perſon ſhall be convict of ſuch Offence a ſecond Time, he ſhall forfeit and pay to the Uſe of the Poor of the Town where the Offence is committed, the Sum of *twenty Shillings*, or ſuffer one Month's Impriſonment over and above the Forfeiture aboveſaid, or Damages to the Party injured.

Penalty for cutting or carrying off any Trees, Wood, &c. from off another Man's Land, or off the Common.

Forfeiture upon a ſecond Conviction.

And be it further enacted by the Authority aforeſaid, That if any Children or Servants ſhall offend againſt this Act in any of the Particulars therein mentioned, and their Parents or Maſters refuſe to anſwer the Forfeiture or Damage awarded againſt them ; they ſhall be puniſhed by whipping, ſetting in the Stocks or Cage, or by Impriſonment, at the Diſcretion of the Court or Juſtice before whom the Proſecution ſhall be ; according to the Nature and Degree of the Offence, and Circumſtances aggravating.

Children or Servants offending againſt this Act how puniſhed.

And be it further enacted by the Authority aforeſaid, That when in Action of Treſpaſs brought before a Juſtice of Peace, the Defendant ſhall juſtify and demur upon Plea of Title, a Record ſhall be made thereof, and the Matter of Fact be taken *pro confeſſo*, and the Party making ſuch Plea ſhall become bound with one or more Sureties by way of Recognizance unto the adverſe Party in a reaſonable Sum, not exceeding *Twenty Pounds* ; on Condition that he ſhall purſue his Plea, and bring forward a Suit for a Trial of his Title, at the next Inferiour Court of Common Pleas to be holden for the County, in which ſuch Treſpaſs is alledged to be done, and pay and ſatisfy all ſuch Damages and Coſts as by the ſaid Court ſhall be awarded againſt him ; which Recognizance the Juſtice is hereby impowred to require and take, and ſhall be paid for the ſame by the Reconuſcer *two Shillings*, and *one Shilling* for recording his Plea ; and at the Charge alſo of the ſame Party ſhall certify the Proceſs and Record of ſuch Plea, together with the Recognizance, unto the ſaid Inferiour Court of common Pleas. And if ſuch Reconuſcer ſhall neglect to bring forward ſuch Suit at the Inferiour Court, according to the Tenor of his Recognizance ; the Default ſhall be recorded, and a Writ of *Scire Facias* be iſſued out of the Clerk's Office of the ſame Court, in Manner as by Law is directed, for the recovery of the Sum or Penalty in the Recognizance mentioned, of him, his Surety or Sureties. Or if upon Trial before the ſaid Court he ſhall not make out a Title to the Land or Tenement on which the Treſpaſs is laid to be done, paramount to the Poſſeſſion, or other Title of the adverſe Party ; Judgment ſhall be rendred for the Party treſpaſſed upon, for treble Damages and Coſts of Suit. But if the Defendant in Treſpaſs juſtifying on Plea of Title ſhall refuſe or neglect to become bound in Manner as aforeſaid, then his Plea ſhall abate, and the Juſtice notwithſtanding the

In Action of Treſpaſs before a Juſtice of Peace, if the Defendant juſtify on Plea of Title, the Cauſe to be removed, and Bond given.

Upon neglect or refuſal to give Bond, the Caſe to proceed.

the ſame, ſhall proceed to try the Cauſe; and upon due Proof of the Treſpaſs committed by him, ſhall award Damages againſt him according to what ſhall be made out; and Coſt of Suit.

Breach of the Peace to be puniſhed.

And be it further enacted, That if in the Opening and Pleading of any Action of Treſpaſs, there be diſcloſed and proved any Breach of the Peace, the Party or Parties guilty thereof, ſhall be fined to the King; or otherwiſe puniſhed as the Law in ſuch Caſe provides.

CHAP. VI.

An Act againſt receiving of Stolen Goods.

Preamble.

WHEREAS divers lewd and evil-minded Perſons for the ſake of filthy Lucre, do frequently receive from Indians, Molattos, Negroes, *and other ſuſpected Perſons, Money and Goods ſtolen, or obtained by other indirect and unlawful Ways and Means, thereby encouraging of Theft:*

For Redreſs whereof:

Perſons receiving or buying ſtolen Goods, &c. to make Reſtitution.

Be it declared and enacted by the Lieutenant Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame, That every Perſon whoſoever which ſhall preſume either openly or privately, to buy or receive of or from any *Indian*, *Molatto*, or *Negro* Servant or Slave; or of any known, diſſolute, lewd and diſorderly Perſon, of whom there is juſt Cauſe of Suſpicion; any Money, Goods, Wares, Merchandizes, or Proviſions; and it appear the ſame Money, Goods, Wares, Merchandizes or Proviſions to have been ſtolen, gotten or obtained by any indirect or unlawful Ways or Means: every Perſon ſo offending, and being thereof convicted, ſhall be ſentenced to reſtore all ſuch Money, Goods, Wares, Merchandizes or Proviſions, unto the Party injured in Specie (if not altered) and alſo forfeit to the ſaid Party the Value thereof over and above; or double the Value, where the ſame are diſpoſed of or made away. And if the Perſon ſo offending be unable, or ſhall not make Reſtitution as awarded, then to be openly whipt with ſo many Stripes (not exceeding twenty) as the Juſtices or Court that may have Cognizance of the Offence ſhall order; or to make Satisfaction by Service. And the *Indian*, *Negro*, *Molatto*, or other ſuſpicious Perſon as aforeſaid, of or from whom ſuch Money, Goods, Wares, Merchandizes or Proviſions ſhall be received or bought, ſhall be puniſhed by whipping, not exceeding twenty Stripes; and be further proſecuted as the Laws directs in Caſe of Theft; unleſs where ſuch Money, Goods, or Proviſions ſhall be taken from the Maſter of ſuch Perſon.

If unable to make Reſtitution to be corporally puniſhed.

10 *G.* ca. 1.

CHAP. VII.

An Act relating to Strays and loſt Goods &c.

Money or Goods found, to be entred with the Town Clerk in ſix Days after finding.

Be it enacted by the Lieutenant Governour, Council and Repreſentatives, convened in General Aſſembly, and by the Authority of the ſame, That whoſoever ſhall find any Money or Goods loſt, whereof the Owner is not known; the Finder within ſix Days at the fartheſt next after, ſhall give Notice thereof in writing unto the Clerk of the Town in which they were found, to be entred in a Book to be kept for that Purpoſe; and ſhall alſo cauſe the ſame to be cried by the Conſtable or publick Cryer in ſuch Town, on three ſeveral Days at a publick Meeting of the Inhabitants thereof; and to be poſted up in ſome publick Place: And if the Money or Goods ſo found, be of the Value of *twenty Shillings*, or upwards, then to be cried and poſted up in like Manner at the two next adjacent Towns.

To be cried and poſted.

And

And be it further enacted by the Authority aforeſaid, That every Perſon who ſhall find and take up any ſtray Beaſt, ſhall cauſe the ſame to be entred, with the Colour and Marks, Natural and Artificial; and alſo to be poſted up and cried in Manner and Time as aforeſaid; and likewiſe within twenty-four Hours ſhall put, and from Time to Time keep a Wyth about the Neck of ſuch ſtray Beaſt; on Pain of loſing all his Charges about it afterwards. Stray Beaſts to be cryed, poſted and wythed.

And the Finder of any loſt Goods, or ſtray Beaſt, ſhall alſo within the Time before-mentioned, notify the next Juſtice of the Peace within the ſame County, thereof; and ſuch Juſtice ſhall forthwith thereupon order the ſame to be apprized by two meet Perſons by him to be appointed, and ſhall adminiſter an Oath unto them to deal juſtly and indifferently therein. The next Juſtice to be notified of loſt Goods, and Strays. The ſame to be apprized.

And if the Finder of any loſt Goods, or ſtray Beaſt, ſhall neglect to cauſe the ſame to be entred, cried, and poſted up in Manner and Time as before is expreſs'd, or to Wyth ſuch Beaſt; or if the Town Clerk ſhall neglect to enter any loſt Money, Goods or Stray, whereof he ſhall be notifyed, and have tendred unto him the Fee of *ſix Pence*, (which he may demand and receive, and no more) ſuch Finder or Town-Clerk, for ſuch Omiſſion and Default reſpectively, ſhall forfeit and pay to the Uſe of the Poor of ſuch Town, one third Part of the full Value of ſuch loſt Money, Goods or Strays. Penalty on the Finder for neglect of entring, crying and poſting, and on the Town Clerk for his Neglect.

And it is further enacted, That if the Owner of any ſuch loſt Money, Goods, or ſtray Beaſt, appear within the ſpace of one Year next after ſuch Publication as aforeſaid, and make out his Right and Title thereto, he ſhall have Reſtitution of the ſame, or the full Value thereof; allowing and paying *three Pence* for each Time it was cried, *ſix Pence* for entring thereof as aforeſaid; as alſo paying ſuch neceſſary Charges as ſhall have ariſen, for the keeping of ſuch Strays, loſt Money or Goods, or neceſſary travel about them, to be adjuſted and determined by the Juſtice that ordered the apprizal thereof; or by ſome other Juſtice in the ſame County. Reſtitution to be made to the Owner. Fee for crying and entring.

And if no Owner appear within one Year as aforeſaid, then ſuch Strays, loſt Money or Goods, ſhall be to the Finder; he paying one Half of the Value thereof (all neceſſary Charges being firſt deducted) according to Appraiſement, unto the Treaſurer or Overſeers of the Poor of ſuch Town, for the Uſe of the Poor thereof; and to be recovered by the Town Treaſurer, Select-Men or Overſeers of the Poor reſpectively, as in other Caſes, upon neglect or refuſal to pay the ſame. No Owner appearing, to be divided betwixt the Finder & the Poor of the Town.

And it is further declared and enacted by the Authority aforeſaid, That if any Owner of any ſtray Beaſt, or other Perſon, ſhall take the Wyth off from the ſame, or take away ſuch Stray before all the neceſſary Charges ariſen for the entring, crying, and keeping thereof, be defreyed; ſuch Perſon ſo offending ſhall forfeit and pay unto the Finder of ſuch Stray, the full Value of the ſame. Penalty for taking off the Wyth, or taking away any Stray.

All the Penalties and Forfeitures in this Act mentioned, to be recovered by Action, Bill, Plaint or Information, before a Juſtice of the Peace; where the Value exceeds not his Recognizance; or in any other of His Majeſty's Courts within this Province. Penalties, &c. how to be recovered.

Provided, That no Perſon from the firſt Day of *March* to the firſt Day of *December* yearly, ſhall take up any Horſe, Gelding, Mare or other Beaſt for a Stray; or account or uſe them as Strays, though the Owner thereof be not known; unleſs ſuch Beaſt be taken damage feaſant in Incloſures. No Strays to be made from the firſt of *March* to the firſt of *December*.

CHAP.

CHAP. VIII.

An Act for the inſpecting, and ſuppreſſing of Diſorders in Licenced Houſes, &c.

Inn-holders, &c. to be provided for Entertainment of Men and Horſes.

BE it enacted and declared by the Lieutenant Governour, Council and Repreſentatives, convened in General Aſſembly, and by the Authority of the ſame, That all Inn-holders, Taverners and common Victuallers, ſhall at all Times be furniſhed with ſuitable Proviſions and Lodging for the Refreſhment and Entertainment of Strangers and Travellers; Paſturing, Stable-Room, Hay, and Provender for Horſes; on pain of being deprived of their Licence.

Penalty for entertaining of Servants or Negroes.

And that no Perſon who is or ſhall be Licenced to be an Inn-holder, Taverner, common Victualler, or Retailer, ſhall ſuffer any Apprentice, Servant, or Negro, to ſit drinking in his or her Houſe; or to have any manner of Drink there, without ſpecial Order or Allowance of their reſpective Maſters; on pain of forfeiting the Sum of *ten Shillings* for every ſuch Offence. Neither ſhall any licenced Perſon ſuffer any Inhabitant of ſuch Town where he dwells, or coming thither from any other Town, to ſit drinking or tippling in his or her Houſe, or any of the Dependencies thereof; or to continue there above the ſpace of one Hour (other than Travellers, Perſons upon Buſineſs or extraordinary Occaſions,) on the like Penalty of *ten Shillings* for every Offence.

None to continue in publick Houſes above one Hour, unleſs, &c.

11 *A.* ca. 1.

And every Perſon who contrary to this Act, ſhall continue in any ſuch Houſe tipling or drinking, or otherwiſe miſordering him or her ſelf; or above the ſpace of one Hour (other than as aforeſaid) ſhall forfeit and pay the Sum of *three Shillings and four Pence*, or be ſet in the Stocks, not exceeding four Hours Time.

None to be ſuffered to be Drunk there, or to be there on the Lord's Day, unleſs, &c.

And no Perſon or Perſons licenced as aforeſaid, ſhall ſuffer any Perſon to drink to Drunkenneſs, or Exceſs, in his or her Houſe; nor ſhall ſuffer any Perſon as his or her Gueſt to be and remain in ſuch Houſe or any of the Dependencies thereof, on the Lord's Day) other than Strangers, Travellers, or ſuch as come thither for neceſſary Refreſhment; on pain of forfeiting the Sum of *five Shillings* for every Offence in that Kind.

Penalties, &c. how to be imployed.

And be it further enacted by the Authority aforeſaid, That all Fines and Forfeitures ariſing for any of the Offences before-mentioned, ſhall be one Moiety thereof to the Uſe of the Poor of the Town where the Offence is committed; and the other Moiety to him or them that ſhall inform and proſecute for the ſame; (except where ſuch Offences are preſented by a Grand Jury, in which Caſe, the whole Forfeiture to be to the Uſe of the Town.) And every

Juſtice of the Peace, his Power.

Juſtice of the Peace within his Precincts is hereby impowred to hear and determine concerning any of the Offences aforeſaid, and to reſtrain and commit the Offender to Priſon, until he pay and ſatisfy the Penalty or Forfeiture; or otherwiſe by Warrant cauſe the ſame to be levied by Diſtreſs and Sale of the Offenders Goods.

No Inn-holder, &c. to receive Licence before entring into Recognizance.

And be it further enacted by the Authority aforeſaid, That before any Perſon ſhall receive Licence to be an Innholder, common Victualler, Taverner or Retailer; every ſuch Perſon ſhall become bound by Recognizance to His Majeſty, in the Sum of *ten Pounds* the Principal, and two Sureties in *five Pounds* a piece, before one or more of the Juſtices of the General Seſſions of the Peace: *On Condition following.*

Recognizance for Inn-holders, &c.

That is to ſay:

THE Condition of this Recognizance is ſuch, That whereas the above-bounden *A. B.* is admitted and allowed by the Juſtices of the Court of General Seſſions of the Peace, to keep a common Inn, Ale-Houſe or victualling Houſe, and to uſe common ſelling of Wine, Beer, Ale, Cyder, and other ſtrong Liquors by Retail for the ſpace of one whole Year next enſuing, and no longer, in the now dwelling Houſe of the ſaid *A.B.* in *C.* commonly known by the Sign of----- and

and no other: If therefore the ſaid *A. B.* during the Time aforeſaid ſhall not permit, ſuffer or have any playing at Dice, Cards, Tables, Quoits, Loggets, Bowls, Shuffle-board, Nine-pins, Billiards; or any other unlawful Game or Games in his Houſe, Yard, Garden, Back-ſide, or any of the Dependencies thereof; nor ſhall ſuffer to be or remain in his Houſe, any Perſon or Perſons, (not being of his ordinary Houſhold or Family) on the Lord's Day, or any Part thereof, contrary to Law; nor ſhall ſell any Wine, Liquors or other ſtrong Drink to any Apprentices, Servants, Indians or Negroes, nor ſhall ſuffer any Perſon or Perſons to be there tipling, drinking, or continue there after nine of the Clock in the Night Time, or otherwiſe contrary to Law. And in his ſaid Houſe, ſhall and do uſe, maintain and uphold good Order and Rule, and do endeavour the due Obſervance of the Laws made for Regulation of ſuch Houſes: Then this preſent Recognizance to be void; but on Default thereof, to abide and remain in full Force and Virtue.

And before any Perſon ſhall receive Licence to Retail any Wine or ſtrong Liquors to be ſpent out of Doors, and not otherwiſe, ſuch Perſon ſhall become bound by Recognizance as aforeſaid: *On Condition following.*

That is to ſay:

THE Condition of this Recognizance is ſuch, That whereas the above bounden *A. B.* is licenced and allowed by the Juſtices of the Court of General Seſſions of the Peace, to Retail for the ſpace of one whole Year next enſuing, and no longer, out of his now Dwelling-Houſe in *C.* to be ſpent out of Doors, and not otherwiſe: If therefore the ſaid *A.B.* ſhall not entertain or ſuffer any Perſon or Perſons to ſit drinking or tipling in his Houſe, Cellar, Back-ſides, or any of the Dependencies of the ſaid Houſe, nor ſhall ſell any other Sort of Drink than what he is licenced for, as aboveſaid. And ſhall and do in and by all Things obſerve the Directions of the Law relating to Perſons licenced for retailing out of Door only: Then this preſent Recognizance to be void; but on Default thereof to abide and remain in full Force and Virtue. Recognizance Retailers out of Doors. *Sort of ſtrong Liquors*

For each of which aforeſaid Recognizances the Party to whom ſuch Licence ſhall be granted, ſhall pay *two Shillings*, to be divided betwixt the Juſtice and the Clerk.

And for the better inſpecting of licenced Houſes, and the diſcovery of ſuch Perſons as ſhall preſume to ſell without Licence:

Be it enacted by the Authority aforeſaid, That the Select-Men in each Town reſpectively ſhall take due Care, that Tything-men be annually choſen at the general Meeting for choice of Town Officers, as is by Law provided, and upon any Vacancy to fill up the Number at any other Town Meeting: which Tything-men ſhall have Power, and whoſe Duty it ſhall be carefully to inſpect all licenced Houſes, and to inform of all Diſorders or Miſdemeanours which they ſhall diſcover or know to be committed in them, or any of them, to a Juſtice of the Peace, or Seſſions of the Peace within the ſame County; as alſo of all ſuch as ſhall ſell by Retail, without Licence; and other Diſorders or Miſdemeanours committed in any ſuch Houſe; and in like Manner to preſent or inform of all idle and diſorderly Perſons, prophane Swearers or Curſers, Sabbath-breakers, and the like Offenders; to the Intent ſuch Offences and Miſdemeanours may be duly puniſhed and diſcouraged: Every of which Tything-men ſhall be ſworn before a Juſtice of the Peace, or at the Seſſions of the Peace, to the faithful Diſcharge of his Office in Manner following. Tything-men to be annually choſen. Tythingmen their Power and Duty.

That is to ſay:

YOU A.B. *being choſen a Tything-man within the Town of* C. *for one Year next enſuing, and until another be choſen and ſworn in your Stead:* DoSwear, *That you will faithfully endeavour and intend the Duty of your Office.* So help you God. Oath.

Which Tything-men ſhall have a black Staff of two Foot long, tip't at one End with Braſs about three Inches, as a Badge of their Office; to be provided by the Select-men at the Charge of the Town. Staff.

Penalty for not ſerving.

And be it further enacted by the Authority aforeſaid, That if any Perſon being duly choſen to the ſaid Office, ſhall refuſe to take his Oath, or ſerve therein, he ſhall forfeit and pay the Sum of *forty Shillings*, to the Uſe of the Poor of the Town whereto he belongs; upon Conviction of ſuch refuſal before the Juſtice of the Peace, or Seſſions of the Peace where he is ſummoned to be Sworn, Certificate being produced under the Hand of the Town Clerk, that ſuch Perſon was legally choſen to that Office. And the ſaid Forfeiture to be levied by Diſtreſs and Sale of ſuch Perſons Goods, by Warrant from a Juſtice of the Peace, or Seſſions of the Peace reſpectively; and delivered to the Town Treaſurer or Overſeers of the Poor, for the Uſe aforeſaid. And for want of ſuch Goods whereon to make Diſtreſs, the Officer in the ſaid Warrant ſhall be required to ſeize the Body of the Offender, and him commit unto Priſon, to be there kept, until he ſhall anſwer and pay the ſaid Fine or Forfeiture, with the Charges of levying the ſame.

Tythingmen allowed the benefit of Informers.

And all Tything-men that ſhall inform and proſecute for the Breach of any penal Act, ſhall have the Benefit of ſuch Part of the Forfeiture as does by Law accrue unto the Informer. And all Perſons proſecuted for Breach of any Act relating to retailing without Licence, the Penalty whereof for one Offence exceeds not *forty Shillings*, beſides Charges, may be convicted by two ſingle Evidences upon Oath, though but one to one Breach of ſuch Act, ſo as both the Breaches be within one Month, the Perſon accuſed or complained of not plainly and poſitively denying the Fact.

Licenſed Perſons alſo to enter into Recognizance for paying their Excife.

And be it further enacted by the Authority aforeſaid, That every Perſon to whom any Licence ſhall be granted, before the receiving or exerciſing of the ſame, over and above the Recognizance required for the due Obſervation of the Laws, and keeping of good Rule and Order as aforeſaid, ſhall alſo become bound unto His Majeſty in a diſtinct Recognizance, with ſufficient Sureties, in Manner as aforeſaid, and in ſuch Sum as the Juſtices in Seſſions ſhall appoint: On Condition that the Perſon ſo licenced ſhall duly and truly pay the Duties of Exciſe for his Draught, according to the Rates by Law eſtabliſhed, or otherwiſe perform ſuch Agreement for the ſame as ſhall be made with the Officer or Officers, that ſhall from Time to Time be appointed to agree for, and receive the ſaid Duties. For which Recognizance he ſhall pay the like Fee before-mentioned.

Licence to be granted at the next General Seſſions of the Peace, after the 29 of *June* annually.

And be it further enacted, That for the future the Time of granting of Licences to Inn-holders and Retailers of Drink, ſhall be at the firſt General Seſſions of the Peace that ſhall be held and kept in Courſe within the ſeveral Counties at or next after the nine and twentieth Day of *June* annually; and that ſuch as have already obtained Licences, ſhall hold them (unleſs they forfeit the ſame by Breach of Law) until the General Seſſions of the Peace to be held in the reſpective Counties as aforeſaid, next after the nine and twentieth Day of *June*, One Thouſand ſix Hundred ninety nine: Any Law or Uſage to the contrary notwithſtanding.

And the better to prevent Nurſeries of Vice and Debauchery:

No more Perſons to be licenced to keep publick Houſes, than what are neceſſary for Refreſhment of Travellers, &c. Publick Houſes to be on High Streets, &c.

It is further declared, That the Juſtices of the General Seſſions of the Peace in each County reſpectively, be, and hereby are directed not to Licence more Perſons in any Town or Precinct to keep Houſes for common Entertainment, or to retail Ale, Beer, Cyder, Wine or ſtrong Liquors within or out of Doors, than the ſaid Juſtices ſhall judge neceſſary for the receiving and Refreſhment of Travellers and Strangers; and to ſerve the publick Occaſions of ſuch Town or Precinct; having Regard to the Law for the Qualification and Approbation of the Perſons ſo to be licenced. And all publick Houſes ſhall be on or near the high Streets, Roads, and Places of great Reſort.

And

And be it further enacted by the Authority aforesaid, That the Clerk of the Inferiour Court of Common Pleas in each several County; and the Clerk of the Superiour Court of Judicature respectively, by Direction of the Court from Time to Time, shall by Writ of *Scire Facias* prosecute to Effect all such Recognizances as shall be taken in Court, or before any Justice, whereof Default is or shall be made in not performing the Condition of the same: And upon Execution awarded, to make out such Execution unto the Sheriff of the County, or his Deputy; who are accordingly to levy the Sum therein expressed; and to account for the Monies or Estate levied for Satisfaction thereof, unto the Treasury, as by Law he is obliged. And no Recognizance for the keeping of good Rule and Order in publick licenced Houses, or for retailing out of Doors, shall be put in Suit for any Breach thereof made, after the Expiration of two Years from the Time of taking such Recognizance.

Clerks of the several Courts to put in Suit Recognizances.

CHAP. IX.

An Act for Explanation and Addition to the Act for regulating of Fences, Cattel, &c.

FOR ASMUCH as in and by an Act of this Province, Intitled, An Act for Regulating of Fences, Cattel, *&c. made and passed in the fifth Year of the Reign of his present Majesty, and his late Royal Consort Queen* Mary, *of blessed Memory; amongst other Things therein contained:* **It is Enacted,** "That in "every Town and Peculiar within this Province, there be annually chosen by "the Inhabitants thereof, two or more meet Persons to be Viewers of Fences"; *but no Penalty provided by the said Act in Case the Persons so chosen refuse to accept thereof:*

5 *W. & M.* ca. 11.

Be it therefore enacted and declared by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That every meet Person that shall hereafter be chosen a Viewer of Fences within any Town, or Peculiar in this Province, refusing to accept thereof; or to be Sworn to the faithful Discharge of that Office; shall forfeit and pay to the Use of the Poor of such Town or Peculiar, the Sum of *twenty Shillings*; and another shall be forthwith chosen in his Room. And every Person from Time to Time, chosen and Sworn to the said Office, upon due Notice given him, and being requested by any Person or Persons interested, to view any insufficient and defective Fence in and about any general or common Field; or in and about any particular Field or Inclosure; shall forthwith attend the same: on pain of forfeiting the Sum of *twenty Shillings*; one Moiety thereof to the Use of the Poor of the Town or Peculiar; and the other Moiety to him that shall inform and sue for the same. And each Fence-Viewer shall be allowed *three Shillings* a Day; and proportionably for half a Day; and under that *six Pence* an Hour, for his Time spent in viewing of any Fence or Fences; to be paid him by the Party that sets him on Work, who shall be reimburs'd the same by the Owner or Owners of the defective Fence. And when and so often as it shall happen, any Fence to be broken or fallen down, or to be otherwise defective; the Owner or Occupant of the Land to which such Fence belongs, upon Notice thereof given him, shall forthwith repair the same. And in Case he refuse or neglect so to do, the Fence-Viewers shall cause the same to be sufficiently repaired, as the Law directs. And all divisional Fences betwixt Man and Man shall be kept up in good repair for the whole Year; unless the Proprietors of the Lands shall otherwise agree.

Penalty for not serving as a Fence-Viewer.

Penalty for not attending his Duty.

Allowance.

And be it further enacted by the Authority aforesaid, That for the better enabling of the Fence-Viewers to discharge their Duty according to the true Intent of the Law, it shall and may be lawful to and for any Fence-Viewer, by Warrant from the next Justice of the Peace, or Select-Men, (in such Towns where no Justice dwells) or the major Part of them, who are hereby respectively impowred

Fence-Viewers to be impowred by a Warrant to impress Work-men, &c.

impowred to make out such Warrant, to impress Workmen and Teams for the speedy repairing and making up of Fences that are defective or wanting; paying double the usual and accustomed Rates for such Teams and Workmanship, and to the Fence-Viewer for his Time; to be adjusted and determined by the Select-Men; and to be by him recovered against the Owner or Occupier of the Land about which such Fence is set down or repaired, in Manner as the Law directs.

Fence of common Fields to be maintained by the Proprietors in proportion.

And be it further enacted by the Authority aforesaid, That every Party interested in any common or general Field, shall from Time to Time make and maintain his just and due Part and Proportion of the Fence for enclosing the same, according to his Interest therein, in such Manner as hath or shall be agreed on by the major Part of the Propriety; the whole being duly warned and met to order the same: and the Orders so made shall be binding and obliging upon the Proprietors absent: And a third Part of the Propriety in such common or general Field, shall and may call and summon a Meeting of the Whole from Time to Time, as there shall be Cause.

And no Proprietor in any such Field shall put or cause to be put any Beast, Cattel or Sheep thereinto, over and above the Number allowed him; or keep them longer there than the Time set and limitted by the major Part of the Propriety or interested; on Penalty of answering double the Damages that shall happen or accrue thereby, to be recovered in any Court proper to try the same.

Partition-Fences to be maintained by the Proprietors in equal Halves.

And it is further enacted, That all Partition-Fences betwixt Lands under Improvement, shall be made and maintained from Time to Time in equal Halves by the Owners or Proprietors of such Lands respectively. And in Case any Proprietor of Land shall improve his Land (the Land adjoining not being under Improvement) and so make the whole Partition-Fence; when and so soon as the Owner or Proprietor of the adjoining Land shall also improve his, he shall pay for the one Half of such Partition-Fence, according to the Value thereof at that Time, and keep up and maintain his half Part thereof from thenceforward. But if either of such Proprietors adjoining do cease to make Improvement of his Land, he that continues so to do, shall have Liberty to purchase the other Part of such Partition-Fence, as it shall then be valued to be worth, by Persons indifferently chosen by each Party for that Purpose: And in Case any Person improving as aforesaid, shall neglect or refuse to make and maintain one Half of the Partition-Fence betwixt his Land and the Land next adjoining; the Owner or Proprietor of such Land adjoining, shall be liable to a Suit, and to have recovered of him in any Court proper to try the same, the full Value of the one Half of such Partition-Fence, according to Estimation thereof upon Appraisement, by the other Party who makes and maintains the whole Fence, together with his Damage sustained by such Neglect or Refusal as aforesaid: Saving always to every Person and Persons any particular Agreement or Agreements touching the making and maintaining of such divisional Fence between their Lands.

Fines and Penalties, where to be recovered.

All Fines, Penalties, Forfeitures or Payments accruing by Virtue of this Act from Time to Time, to be had sued for and recovered in any Court proper to the same.

Proviso for House-Lots not exceeding ten Acres.

Provided, This Act shall not extend to House-Lots not exceeding ten Acres: but if the Owner or Owners of such Lots shall improve, his Neighbour shall be compellable to make and maintain one half of the Fence between them, whether he improve or not.

Major Part of the Propriety in any general Field, to lay down the same at Pleasure.

Provided also, That it shall and may be lawful, to and for the major Part of the Interests or Propriety in any common or general Field, to dissolve and lay down the same at Pleasure; all the Proprietors being first duly warned; and there being six Months Time given before any such Field is laid down.

CHAP.

CHAP. X.

An Act to prevent Default in the Appearance of Jurors.

WHEREAS the Iſſues or Fine ſet upon Jurors for default of appearing and attending the Service of the ſeveral Courts of Juſtice within this Province whereto they are reſpectively ſummoned, is by Law limited unto twenty Shillings; *whereby Perſons moſt able and ſufficient oft-times decline the Service, chuſing rather to incur and undergo ſo ſmall a Penalty; which may prove a general Inconvenience, and tend greatly to the Damage of particular Perſons in Caſes of the greateſt Moment and Concern:* 1 *W.* ca. 4.

For Remedy whereof:

Be it declared and enacted by the Lieutenant Governour, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame, That it ſhall and may be lawful to and for the Juſtices of the Superiour Court of Judicature, Court of Aſſize and General Goal Delivery, and the Juſtices of the General Seſſions of the Peace, and of the Inferiour Court of Common Pleas reſpectively; to ſet reaſonable Fines upon Jurors duly returned to ſerve in the ſaid ſeveral Courts, and making Default, at the Diſcretion of the ſaid Juſtices, not exceeding the Sum of *Forty Shillings* each; and to cauſe the ſame to be levied: Any Law, Uſage or Cuſtom to the contrary notwithſtanding. 3 *G.* ca. 5.

Acts and Laws,

Paſſed by the Great and General Court or Aſſembly of the Province of the *Maſſachuſetts-Bay* in *New-England*, Begun and Held at *Boſton* the twenty-fifth Day of *May* 1698. And continued by Prorogation until the fifteenth of *November* following.

CHAP. XI.

An Act in Addition to, and Explanation of the Act againſt Adultery and Polygamie, made in the ſixth Year of the Reign of King *William* and Queen *Mary*.

WHEREAS in the Act Intitled, An Act againſt Adultery and Polygamie, *It is provided in theſe Words*; "Provided always that this "Act or any Thing therein contained ſhall not extend to any Perſon "or Perſons whoſe Husband or Wife ſhall be continually remaining "beyond the Seas by the ſpace of *ſeven Years* together; or whoſe Husband "or Wife ſhall abſent him or her ſelf the one from the other by the ſpace of "*ſeven Years* together, in any Part within their Majeſties Dominions, or elſe-"where, the one of them not knowing the other to be living within that Time". 6 *W.* & *M.* ca. 4.

Which Limitation of ſeven Years *is in ſome Caſes found to be exceſſive and inconvenient:*

Therefore for the better preventing the Violation of the ſeventh Commandment, and for obtaining the Bleſſings God is wont to beſtow upon the Keepers of the ſame:

Be

Be it enacted and declared by the Lieutenant Governour, Council and Representatives, convened in General Assembly: and it is enacted and declared by the Authority of the same, That if any married Person, Man or Woman, has lately or shall hereafter go to Sea in any Ship or other Vessel, bound from one Port to another, where the Passage is usually made in three Months Time; and such Ship or other Vessel has not been, or shall not be heard of within the space of three full Years next after their putting to Sea from such Port; or shall only be heard of under such Circumstances, as may rather confirm the Opinion commonly received of the whole Company's being utterly lost: In every such Case, the Matter being laid before the Governour and Council, and made to appear; the Man or Woman whose Relation is in this Manner parted from him or her, may be esteemed single and unmarried; and upon such Declaration thereof, and Licence obtained from that Board, may lawfully marry again: Any Law, Usage or Custom to the contrary notwithstanding.

Limitation of three Years in Case.

CHAP. XII.

An Act enabling Sheriffs, Constables, *&c.* to require Aid and Assistance in the Execution of their respective Offices, referring to Criminals.

Additional Act 12 *G.* ca. 1.

FOR ASMUCH *as it is oftentimes necessary, that Sheriffs, Under-Sheriffs and Constables be aided and assisted in the Execution of their respective Offices:*

Be it therefore enacted by the Lieutenant Governour, Council and Representatives, convened in General Assembly, and by the Authority of the same, That when and so often as any Sheriff, Under-Sheriff or Constable shall be in the Execution of his Office, for the Preservation of the Peace, or for apprehending or securing any Person or Persons for violating the same, or for any other criminal Matter or Cause; it shall and may be lawful to and for such Sheriff, Under-Sheriff or Constable to require suitable Aid and Assistance therein. And if any Person or Persons being required by any Sheriff, Under-Sheriff or Constable in his Majesty's Name, to aid and assist him in the Execution of his Office as aforesaid, shall neglect or refuse so to do, and be thereof convicted before one or more of his Majesty's Justices of the Peace; such Offender or Offenders shall be fined, to the Use of the Poor of the Town where the Offence shall be committed, not exceeding *forty Shillings*, at the Discretion of such Justice or Justices, according to the Circumstances aggravating or lessening such Offence. And if such Offender or Offenders be unable or shall not forthwith pay the said Fine, such Justice or Justices may punish him or them by Imprisonment, not exceeding forty eight Hours; or by setting in the Stocks not exceeding four Hours.

Penalty for refusal or neglect to aid or assist the Sheriff, *&c.*

And if any Person or Persons not being really and *bonâ fide* a Sheriff, Under-Sheriff or Constable, shall presume to abuse his Majesty's Name and Authority in pretending him or themselves to be any or either of the said Officers, and take upon him or themselves to act as such, or to require any other Person or Persons to aid or assist him or them in any Matter or Thing belonging to the Duty of a Sheriff, Under-Sheriff or Constable; every Person or Persons so offending, and being thereof convicted, shall forfeit and pay a Fine not exceeding *One Hundred Pounds*, according to the Nature and Circumstances aggravating his Offence, at the Discretion of the Court before whom the Conviction shall be; one Moiety of the said Fine or Forfeiture to be unto his Majesty, towards the Support of the Government within this his Majesty's Province

Penalty for pretending to be a Sheriff, *&c.* and not so *bona fide*.

vince; and the other Moiety to him or them that shall inform and prosecute for the same.

And be it further enacted by the Authority aforesaid, That any of his Majesty's Justices of Peace, for the Preservation of the same, or upon View of the Breach thereof; or of any other Transgression of Law proper to his Cognizance done or committed by any Person or Persons whatsoever, shall, and hereby is impowred (in the Absence of a Sheriff, Under-Sheriff or Constable) to require any Person or Persons to apprehend and bring before him such Offender or Offenders. And every Person or Persons that shall neglect or refuse to obey any Justice or Justices in apprehending such Offender or Offenders, being thereunto required as aforesaid; shall incur and suffer the like Pains and Penalties as is before provided for refusing or neglecting to assist any Sheriff, Under-Sheriff or Constable in the Execution of his Office, as before mentioned. Justices may Command any Person to apprehend an Offender.

And no Person or Persons so offending, unto whom such Justice is known, or shall declare himself so to be, shall be admitted to plead Excuse on Pretence of Ignorance of his Office. Penalty for neglect or refusal.

CHAP. XIII.

An Act for the better Preservation and Increase of Deer within this Province.

WHEREAS the killing of Deer at unseasonable Times of the Year hath been found very much to the Prejudice of this Province; great Numbers thereof having been hunted and destroyed in deep Snows, when they are very poor, and big with young, the Flesh and Skins of very little Value; and the Increase thereof greatly hindred: Preamble.

Be it therefore enacted by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That no Person or Persons whatsoever within this Province, from and after the last Day of *December*, in this present Year, One Thousand six Hundred ninety eight, till the first Day of *August*, One Thousand six Hundred ninety nine, and so from the last Day of *December*, to the first Day of *August* following annually for ever hereafter, shall any ways whatsoever, kill any Buck, Doe or Fawn; on pain that such Person or Persons so offending, shall forfeit the Sum of *forty Shillings* for the first Offence, *three Pounds* for the second Offence, and *five Pounds* for the third Offence; and so for every Offence after: one Moiety thereof unto his Majesty, to be employed towards Support of the Government of this his Majesty's Province, and the other Moiety to him or them that shall inform and sue for the same in any Court of Record within the said Province. No Deer to be killed betwixt *December* & *August* yearly, on penalty.

And if any Person or Persons offending as aforesaid, shall not have wherewithal to pay his or their Fine or Fines, he or they shall for the first Offence work twenty Days, for the second thirty, and for the third Offence fifty Days; as shall be directed by the Justices, before whom the Cause shall be heard and determined; and the Wages or Earnings for his or their Work, to be employed to and for the Uses before-mentioned. Persons unable to pay the Penalty, to satisfy by Work.

And if any Venison, Skin or Skins of any Buck, Doe or Fawn newly killed, shall, at any Time in any of the aforesaid Months wherein they are by this Act prohibited to be killed, be found with, or in Possession of any Person or Persons whatsoever, such Person or Persons shall be held and accounted in the Law to be guilty of killing Deer contrary to the Intent of this Act, as fully as if it were proved against such Person or Persons by sufficient Witness *vivâ voce*; except such Person or Persons do bring forth and make Proof who was the Person, or who were the Persons that sold or killed the same. The Flesh or Skin of any Deer found to be sufficient Conviction, unless &c.

Provided

Tame Deer may be kill'd at any time.

Provided always, and be it further enacted by the Authority aforesaid, That it shall and may be lawful for any Person or Persons whatsoever, who shall keep or breed any Deer tame, or in any Park or Island; at any Time to kill any Buck, Doe or Fawn so kept and bred. And that any Person or Persons whatsoever, shall have free Liberty of hunting as formerly to the Eastward of *Piscataqua* River: Any Thing in this Act to the contrary notwithstanding.

CHAP. XIV.

An Act for Hearing and Determining of Cases in Equity.

Preamble.

WHEREAS the respective Courts of Justice within this Province are by Law impowred, where the Forfeiture of any penal Bond shall be found, in the entring up of Judgment in such Case, to Chancer the same unto the just Debt and Damages: The Practice whereof is found to give great Ease and Satisfaction unto His Majesty's Subjects; whereby Oppression, Delay, and great Costs and Charges are prevented, which otherwise would unavoidably arise. And Applications having been unto this Court, that further Provision may be made for Relief in Equity, in Cases not relievable by the Rules of the Common Law.

To the Intent therefore that Justice and Equity may be jointly administred:

Courts of Justice impowred to Chancer Penalties annexed to Specialties and Forfeitures of Estates granted on Condition.

Be it enacted by the Lieutenant Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That in all Cases brought or to be brought for Tryal in the Superiour Court of Judicature, or in the Inferiour Court of Common Pleas within the several Counties, where the Forfeiture or Penalty annexed unto any Articles, Agreement, Covenant, Contract, Charter-Party, or other Specialties, or Forfeiture of Estates on Condition, executed by Deed of Mortgage, or Bargain and Sale with Defeasance, shall be found by Verdict of Jury, or Confession of the Obligor, Mortgager or Vender; the Justices of the said Courts respectively where the Tryal is had, are hereby impowred and authorized, to moderate the Rigour of the Law; and on Consideration of such Cases according to Equity and good Conscience, to Chancer the Forfeiture, and enter up Judgment for the just Debt and Damages, and to award Execution accordingly: only in real Actions upon Mortgage or Bargain and Sale, with Defeasance, the Judgment to be conditional; that the Mortgager or Vender, or his Heirs, Executors or Administrators do pay unto the Plaintiff, such Sum as the Court shall determine to be justly due thereupon, within two Months Time after Judgment entred up for discharging of such Mortgage or Sale; or that the Plaintiff recover Possession of the Estate sued for, and Execution to be awarded for the same.

Oath See the next Law, ca. 15.

Provision for Cases of like Nature heard and tried since *April* 1686.

And be it further enacted by the Authority aforesaid, That in all Cases of like Nature heretofore heard and tried in any of the Courts of Justice within this Province since the Month of *April*, in the Year of Our Lord God, One Thousand six Hundred eighty six, where the whole Forfeiture or Penalty of any Bond or Obligation, Conditioned for the Payment of Money, Performance of Articles, Covenants, Agreements, Charter-Parties, or other Specialties has been recovered and exacted; or where any Estate granted on Condition by Mortgage, or Bargain and Sale, with Defeasance hath been recovered, and the Mortgagee or Vendee by himself or Assigns hath entred into; or by any Ways or Means whatsoever obtained Possession thereof for Default of the Mortgager or Venders paying the Money, or otherwise performing what according to such Condition or Defeasance he ought to have done; the Party aggrieved and oppressed by such Exaction, or to whom the Right or Equity of Redemption of any such Estate does belong, may bring his Suit for Remedy and Relief therein, by filing a Bill, Plaint or Declaration, either in the Superiour Court of Judicature

ture, or the Inferiour Court of Common Pleas at his Pleasure; and shall cause the adverse Party to be served with a Writ or Process out of such Court, fifteen Days before the Day of the sitting of the same; briefly notifying the Import of the said Bill, Plaint or Declaration, and requiring him to appear at the said Court, to make his Answer and Defence. And in Case of the Defendant's Non-appearance, or on Motion made to the Court, and reasonable Cause therefore shewn, the Court may continue such Suit unto the next Court, and no longer.

Provided, No such Suit shall be brought, after the tenth Day of *December*, which will be in the Year of Our Lord, One Thousand seven Hundred and one.

The Justices of the several Courts impowred to receive and hear such Cases, and to grant Relief in Equity.

And the Justices in the before mentioned Courts respectively are hereby impowred and authorized to receive and hear every such Case and Cases that shall be orderly brought before them, as aforesaid; and on Consideration of the several Pleas and Allegations made by either Party, to decree and enter up Judgment therein agreeable to Equity and good Conscience, and to award Execution accordingly. And where any Mortgagee or Vendee of any Houses or Lands granted on Condition hath recovered, or entred into, and taken Possession of the same for the Condition broken, the Mortgager or Vender, or his Heirs tendring Payment of the original Debt and Damages, or such Part thereof as was remaining unpaid, at the Time of Entry; with reasonable Costs and Allowance for any Disbursements afterwards laid out on such Housing or Lands for the Advancement and bettering of the same, over and above what the Rents, Profits or Improvements thereof made, shall amount unto, upon a just Computation thereof by the Court, as on hearing of the Parties shall be made to appear; The Mortgagee or Vendee, or his Heirs, or the present Tenant in Possession (being the Purchaser and holding in his own Right) shall be obliged to accept such Payment, and to restore and deliver Possession of the Estate unto the Mortgager or Vender, or his Heirs, and Seal, Execute and Acknowledge a good and sufficient Deed in the Law of Release and Quitclaim to the same. But in Case of his not appearing in Court, or refusal to accept such Payment tendred, the whole of the said Monies which the Court shall enter Judgment for, being left in Custody of the Court on Behalf, and for the Use of the Mortgagee or Vendee, his Heirs or Assigns: Judgment shall be entred up for the Mortgager or Vender, or his Heirs, to recover Possession of such Houses or Lands, and Execution be accordingly awarded.

Suit for Redemption where the Mortgagee is in Possession, to be brought in 3 Years. 12 *A.* ca. 1. Appeal.

And further it is enacted, That at any Time hereafter where the Mortgagee or Vendee shall be in actual Possession of any Estate granted on Condition, it shall be in the Liberty of the Mortgager or Vender, or his Heirs, to bring his Suit in Manner as aforesaid, for Redemption thereof, within the space of three Years next after the Term therein expired, and not afterward.

Provided always, That the Party aggrieved at any Judgment to be given as aforesaid, shall have the same Liberty of Appeal and Review as in other Cases is provided at the common Law.

CHAP. XV.

An Act for Establishing the Form of an Oath to be administred unto the Justices of the Superiour Court of Judicature, and the Justices of the Inferiour Court of Common Pleas respectively.

BE it enacted by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That the Oath following shall be administred unto each of the Justices of the Superiour Court of Judicature; and also to each of the Justices of the respective Inferiour Courts of Common Pleas within this Province, by the

Governour or Commander in Chief for the Time being of the same; or such as shall be by him thereto appointed.

That is to say:

Justices of Courts Oath.

YOU Swear, *That well and truly you shall serve Our Sovereign Lord the King and his People in the Office of a Justice of the---------Court of--------And that you will do equal Law and Execution of Right to all People, Poor and Rich, after the Laws and Usage of this Province: And in such Cases as the Law does especially provide to be relieved in Equity, there to proceed according to Equity and good Conscience, without having Regard to any Person.* So help you GOD.

Which before recited Oath shall also be administred as aforesaid, unto the Justices that shall be appointed and commissioned for the respective Courts aforesaid, from Time to Time, before their entring upon the Execution of their Office.

Acts and Laws,

Passed by the Great and General Court or Assembly of the Province of the *Massachusetts-Bay* in *New-England*, Begun and Held at *Boston* the thirty first Day of *May* 1699.

CHAP. I.

An Act for holding of Courts of General Sessions of the Peace, and ascertaining the Times and Places for the same.

General Sessions of the Peace, their Constitution and Power.

BE it enacted and ordained by his Excellency the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That there shall be held and kept in each respective County within this Province yearly, and in every Year at the Times and Places in this Act hereafter mentioned and expressed, *A Court of General Sessions of the Peace*, by the Justices of the Peace of the same County; or so many of them as are or shall be limitted in the Commission of the Peace: Who are hereby impowred to hear and determine all Matters relating to the Conservation of the Peace, and Punishment of Offenders, and whatsoever is by them Cognizable according to Law; and to give Judgment, and award Execution therein.

The Times and Places for holding a Court of General Sessions of the Peace, in the several Counties.

And be it further enacted by the Authority aforesaid, That the Times and Places for the holding and keeping the said Courts of General Sessions of Peace within the respective Counties, shall be as followeth: *That is to say:* For the County of *Suffolk*; at *Boston*, on the first *Tuesdays* in *July*, *October*, *January*, and *April:* For the County of *Essex*; at *Salem*, on the last *Tuesdays* in *June* and *December*; at *Newbury*, on the last *Tuesday* in *September*; and at *Ipswich*, on the last *Tuesday* in *March:* For the County of *Middlesex*; at *Cambridge*, on the second *Tuesday* in *September*, at *Charlstown*, on the second *Tuesdays* in *December* and *March*, and at *Concord* on the second *Tuesday* in *June:* For the County of *Plymouth*; at *Plymouth*, on the third *Tuesdays* in *September*, *December* and *June*, and on the first *Tuesday* in *March:* For the County of *Barnstable*; at *Barnstable*, on the first *Tuesdays* in *July*, *October*, *January* and *April*: For the County of *Bristol*; at *Bristol*, on the second *Tuesdays* in *July*, *October*, *January* and *April:* For the County of *York*; at *Wells*, on the first *Tuesdays* in *July* and *October*, and at *York*, on the first *Tuesdays* in *January* and *April:* For the County of *Hampshire*; at *Springfield*, on the first *Tuesday* in *September*, and third *Tuesday* in *May*, and at *Northampton*, on the first *Tuesdays* in *December* and *March:* For *Dukes* County; at *Edgar-Town*, on the first *Tuesday* in *October*, and on the first *Tuesday* in *March:* and for the Island of *Nantucket*; at the said Island, on the first *Tuesday* in *October*, and on the last *Tuesday* in *March*, yearly and in every Year, from Time to Time.

And

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for any Perſon aggrieved at the Sentence of the Juſtices in any Court of General Seſſions of the Peace, to make his Appeal from ſuch Sentence (the Matter being originally heard and tried in the ſaid Court) unto the next Court of Aſſize and General Goal Delivery to be held within or for the ſame County, there to be finally iſſued. Appeal to the Court of Aſſize.

Provided, That no Appeal ſhall be granted, unleſs it be claimed at the Time of declaring the Sentence, and the Appellant enter into Recognizance, with two ſufficient Sureties within the ſpace of two Hours next after, in a reaſonable Sum for his perſonal Appearance at the Court appealed to, and Proſecution of his Appeal there with Effect; and to abide and perform the Order or Sentence of the ſaid Court thereon, and to be of the good Behaviour in the mean Time. And the Party appealing is to remain in Cuſtody of an Officer, until he ſhall have given ſuch Security. And the Officer not to be allowed above *twelve Pence* an Hour for his Time and Attendance. Appellant to give Security for proſecution, &c. See Reſolve at the end of this Act.

Provided alſo, That every ſuch Appellant do file the Reaſons of his Appeal in the Clerk's Office of the Court appealed unto ſeven Days before the Day of the ſitting of the ſaid Court; and alſo at his own Coſt, do take out and preſent unto the Court, an atteſted Copy of the Sentence, and likewiſe atteſted Copies of all the Evidences upon which the ſame was grounded. And the Appellant ſhall pay the like Fee for the entring of his Appeal in the Court appealed to, as is by Law required, for entry of an Action in a Civil Cauſe, and the like Fee to the Jurors, that ſhall try the ſame. Reaſons of Appeal to be filed ſeven Days before the Sitting of the Court appealed to.

And be it further enacted by the Authority aforeſaid, That in convenient Time before the ſitting of the ſaid Court of General Seſſions of the Peace in each reſpective County, the Clerk of the Peace in ſuch County ſhall iſſue out Warrants directed to the Conſtables of the ſeveral Towns within the ſame County, or the moſt principal of them; requiring them to aſſemble the Freeholders and other Inhabitants of their Town qualified as in and by his Majeſty's Royal Charter is directed, to elect and chuſe ſo many good and lawful Men of the ſaid Town or Diſtricts thereof alike qualified as aforeſaid, as the Warrant ſhall direct; to ſerve as Jurors at ſuch Court. And the Conſtable ſhall ſummon the Perſons ſo choſen, to attend accordingly at the Time and Place appointed; and make timely Return of his Warrant unto the Clerk that granted the ſame; on pain that every Conſtable failing of his Duty therein, ſhall forfeit and pay unto the County-Treaſurer for the Uſe of the County, a Fine not exceeding *five Pounds*, nor leſs than *forty Shillings*, at the Diſcretion of the Juſtices of ſuch Court: unleſs ſuch Conſtable ſo failing of his Duty as aforeſaid, ſhall ſeaſonably make a reaſonable Excuſe unto the Juſtices of the ſaid Court, for his Default, and the ſame be allowed of by them. Jurors, how to be choſen and ſummoned. Penalty on Conſtables neglecting to make their Return.

And if by reaſon of Challenge, or otherwiſe, there do not appear a ſufficient Number of good and lawful Men to make up the Petty Jury or Juries, to ſerve at the ſaid Court: Then and in ſuch Caſe the ſaid Jury or Juries, ſhall be filled up *De talibus circumſtantibus*, to be returned by the Sheriff; and where the Sheriff is concerned or related to either of the Parties in any Caſe, to be returned by the Coroner. Sheriff to return Jurors, in caſe there fail of a ſufficient Number.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for any Perſon ſentenced for any criminal Offence, by one or more Juſtices of the Peace out of Seſſions, to appeal from ſuch Sentence unto the next Court of General Seſſions of the Peace to be held within the ſame County. Every ſuch Appellant recognizing with Sureties in a reaſonable Sum not exceeding *five Pounds*, for his appearance at the Court appealed to, and to proſecute his Appeal there with Effect, and to abide and perform the Order or Sentence of the ſaid Court thereon, which is to be final; and in the mean Time to be of the good Behaviour. And every ſuch Appellant ſhall attend the ſame Rules and Method for bringing forward his Appeal at the ſaid Court of General Seſſions of the Peace, as before in this Act is provided in Caſe of Appeal from the ſaid Court, to the Court of Aſſize and General Goal Delivery. And Appeal from the Sentence of one or more Juſtices of the Peace,

ſhall pay the like Fee for entring of his Appeal, as for the entring of a Civil Action in the Inferiour Court of Common Pleas; and the like Fee to the Jurors as is paid them in the ſaid Inferiour Court.

[*At a Great and General Court begun and held at* Boſton *the 26th of* May 1708. *The following Reſolve paſſed*, viz. *A Queſtion being moved upon the third Section or Paragraph in the Act for holding of Courts of General Seſſions of the Peace*, &c. *made and paſſed in the eleventh Year of King* William *the Third*; viz.

Whether the Bond for the good Behaviour directed by the ſaid Act to be given in Caſe of Appeal from the Sentence of the Juſtices, in any Court of General Seſſions of the Peace, be demandable of any other, ſave of the Perſon proſecuted, convicted and ſentenced for any Crime, and his Sureties?

Reſolved in the Negative: And that the Law is ſo to be underſtood and practiced accordingly: Any Uſage or Cuſtom to the contrary notwithſtanding.]

CHAP. II.

An Act for the Eſtabliſhing of Inferiour Courts of Common Pleas in the ſeveral Counties of this Province.

Inferiour Court's Conſtitution and Power.

BE it enacted and ordained by his Excellency the Governour, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame, That there ſhall be held and kept in each reſpective County within this Province; and at the Iſland of *Nantuckett* within the ſame, yearly and every Year, at the Times and Places in this Act hereafter mentioned and expreſſed, *An Inferiour Court of Common Pleas*, by four ſubſtantial Perſons, to be appointed and commiſſionated as Juſtices of the ſame Court in each County; any three of whom to be a *Quorum*, for the holding of the ſaid Court; who ſhall have Cognizance of all civil Actions ariſing or happning within ſuch County, triable at the common Law, of what Nature, Kind or Quality ſoever: And are hereby impowred to give Judgment therein, and award Execution thereupon.

Times and Places for holding them.

And be it further enacted by the Authority aforeſaid, That the Times and Places for the holding and keeping the ſaid Inferiour Court of Common Pleas within the ſeveral and reſpective Counties, ſhall be as followeth: *That is to ſay:* For the County of *Suffolk*; at *Boſton*, on the firſt *Tueſdays* in *July*, *October*, *January*, and *April*: For the County of *Eſſex*; at *Salem*, on the laſt *Tueſdays* in *June* and *December*; at *Newbury*, on the laſt *Tueſday* in *September*; and at *Ipſwich*, on the laſt *Tueſday* in *March*: For the County of *Middleſex*; at *Cambridge*, on the ſecond *Tueſday* in *September*, at *Charlſtown*, on the ſecond *Tueſdays* in *December* and *March*, and at *Concord* on the ſecond *Tueſday* in *June*: For the County of *Plymouth*; at *Plymouth*, on the third *Tueſdays* in *September*, *December* and *June*, and on the firſt *Tueſday* in *March*: For the County of *Barnſtable*; at *Barnſtable*, on the firſt *Tueſdays* in *July*, *October*, *January* and *April*: For the County of *Briſtol*; at *Briſtol*, on the ſecond *Tueſdays* in *July*, *October*, *January* and *April*: For the County of *York*; at *Wells*, on the firſt *Tueſdays* in *July* and *October*, and at *York*, on the firſt *Tueſdays* in *January* and *April*: For the County of *Hampſhire*; at *Springfield*, on the firſt *Tueſday* in *September*, and third *Tueſday* in *May*, and at *Northampton*, on the firſt *Tueſdays* in *December* and *March*: For *Dukes* County; at *Edgar-Town*, on the firſt *Tueſday* in *October*, and on the firſt *Tueſday* in *March*: and for the Iſland of *Nantucket*; at the ſaid Iſland, on the firſt *Tueſday* in *October*, and on the laſt *Tueſday* in *March*, yearly and in every Year, from Time to Time.

Altered as thoſe of the General Seſſions of the Peace in the preceeding Act.

And

And be it further enacted by the Authority aforesaid, That all Processes and Writs for the bringing any Cause or Suit to Trial in any of the said Inferiour Courts, shall issue out of the Clerk's Office of such Court in His Majesty's Name, under the Seal of the said Court, to be signed by the Clerk, and directed to the Sheriff or Marshal of the County, his Under-Sheriff or Deputy. And if such Process or Writ be against the Sheriff or Marshal, to be directed to the Coroner of such County; who is hereby impowred to execute the same. And where the Sum sued for is under *Ten Pounds*, may be also directed to the Constables of the Town. And Writs as well original as judicial issuing out of the Clerk's Office of the said Court, shall run into any County and Place within this Province; and be there executed by the Officer or Officers of such County to whom they are directed. And all proper original Processes in the said Court, shall be Summons, Capias or Attachment, which shall be served and executed fourteen Days before the Day of the Sitting of the Court where such Writ or Process is returnable.

Writs to issue out of the Clerk's Office.

Coroner. 12 *W.* ca. 6. 3 *G* ca. 8. 12 *G.* ca. 4.

To run thro' the Province. And to be Summons, Capias or Attachment.

Provided, That no Action under the Value of *forty Shillings* shall be brought into any of the said Inferiour Courts, unless where Freehold is concerned; or upon Appeal from a Justice of Peace.

Proviso for Actions under 40 s.

And be it further enacted by the Authority aforesaid, That in convenient Time before the Sitting of the said Inferiour Court in each respective County; the Clerk of such Court shall issue out Warrants directed to the Constables of the several Towns within the same County, or the most principal of them: requiring them to assemble the Freeholders and other Inhabitants of their Town qualified as in and by His Majesty's Royal Charter is directed; to elect and chuse so many good and lawful Men of the said Town or Districts thereof alike qualified as aforesaid, as the Warrant shall direct; to serve as Jurors at such Court. And the Constable shall summon the Person so chosen, to attend accordingly at the Time and Place appointed; and make timely Return of his Warrant unto the Clerk that granted the same; on pain that every Constable failing of his Duty therein, shall forfeit and pay unto the County-Treasurer for the Use of the County a Fine not exceeding *five Pounds*, nor less than *forty Shillings*, at the Discretion of the Justices of such Court: Unless such Constable so failing of his Duty as aforesaid, shall reasonably make a reasonable Excuse unto the Justices of the said Court, for his Default, and the same be allowed of by them.

Clerks to issue out Warrants.

And if by Reason of Challenge, or otherwise, there do not appear a sufficient Number of good and lawful Men to make up the Petty Jury or Juries, to serve at the said Court; then and in such Case the said Jury or Juries shall be filled up *De talibus circumstantibus*, to be returned by the Sheriff; and where the Sheriff is concerned, or related to either of the Parties in any Case, to be returned by the Coroner.

CHAP. III.

An Act for establishing a Superiour Court of Judicature, Court of Assize, and General Goal Delivery within this Province.

Be it enacted and ordained by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That there shall be a Superiour Court of Judicature, Court of Assize, and General Goal Delivery over this whole Province, to be held and kept annually at the respective Times and Places in this Act hereafter mentioned and expressed, by one chief Justice, and four other Justices to be appointed and commissionated for the same; any three of whom to be a *Quorum*, who shall have Cognizance of all Pleas, real, personal or mixt,

Superiour Court of Judicature Court of Assize &c. their Constitution and Power.

as

as well all Pleas of the Crown, and all Matters relating to the Conservation of the Peace, and Punishment of Offenders; as civil Causes or Actions between Party and Party; and between his Majesty and any of his Subjects, whether the same do concern the Realty, and relate to any Right of Freehold and Inheritance; or whether the same do concern the Personalty, and relate to Matter of Debt, Contract, Damage or personal Injury; and also all mixt Actions which concern both Realty and Personalty brought before them by Appeal, Review, Writ of Error, or otherwise as the Law directs. And generally of all other Matters as fully and amply to all Intents and Purposes whatsoever, as the Courts of King's Bench, Common Pleas and Exchequer within his Majesty's Kingdom of *England*, have, or ought to have. And are hereby impowred to give Judgment therein, and award Execution thereupon.

Times and Places for holding Superiour Courts.

11 *G.* ca. 4.

And be it further enacted by the Authority aforesaid, That the Times and Places for the holding and keeping of the said Superiour Court of Judicature, Court of Assize and General Goal Delivery, shall be as followeth: *That is to say:* Within and for the County of *Suffolk*, at *Boston*, upon the first *Tuesdays* in *November* and *May*; within and for the County of *Essex*, at *Salem*, on the second *Tuesday* in *November*; and at *Ipswich*, on the third *Tuesday* in *May*: within and for the County of *Middlesex*; at *Cambridge*, on the last *Tuesday* in *July*; and at *Charlstown*, on the last *Tuesday* in *January*: within and for the County of *Hampshire*; at *Springfield*, on the second *Thursday* in *August*: within and for the County of *York*; at *Kittery*, on the *Thursday* in the Week next before the Time herein set and appointed for the Sitting of the said Superiour Court at *Ipswich*: for the Counties of *Plymouth*, *Barnstable* and *Dukes County*; at *Plymouth*, on the last *Tuesday* in *March*: and within and for the County of *Bristol*; at *Bristol*, on the second *Tuesday* in *September* yearly, and in every Year, from Time to Time.

Nantucket.

And be it further enacted by the Authority aforesaid, That there shall be held and kept a Superiour Court of Judicature, Court of Assize and General Goal Delivery, for the hearing and determining of any capital Offence or Offences that shall arise or happen within the Island of *Nantuckett*, at such Place within the same, and at such Time as the Governour and Council advising with the Justices of the said Court shall from Time to Time direct and appoint, according as Occasion may be.

12 *G.* ca. 8.

Provided nevertheless, That the Trial of all Matters and Causes by Appeal from the Court of General Sessions of the Peace, or Inferiour Court of Common Pleas respectively within the said Island of *Nantuckett*, or by Writ of Error relating to any Judgment given in the said Inferiour Court; shall be in the Superiour Court of Judicature, Court of Assize and General Goal Delivery, to be held within the Counties of *Suffolk* or *Middlesex*.

Process to be served fourteen Days before the Courts Sitting.

And be it further enacted by the Authority aforesaid, That all Processes and Writs issuing out of the said Superiour Court of Judicature to be held within or for any County within this Province, shall be in his Majesty's Name, under the Seal of the said Court, and signed by the Clerk thereof, and shall be directed to the Sheriff, his Under Sheriff or Deputy, or other proper Officers, who are hereby impowred and required to observe and execute the same: And shall run into any County or Place within this Province, and be there executed by the Officer or Officers of such County or Place to whom they are directed. And all Processes for the Trial of civil Causes in the said Court upon Review or in other Cases which by Law may be originally there brought, shall be served and executed fourteen Days before the Day of the Sitting of the Court where such Writ or Process is returnable.

Jurors how to be chosen.

And be it further enacted by the Authority aforesaid, That in convenient Time before the Sitting of the said Superiour Court of Judicature, Court of Assize and General Goal Delivery in each respective County, the Clerk of the said Court shall issue out Warrants directed to the Constables of the several Towns within the County or Jurisdiction of the said Court, or the most principal of them; requiring such Constables to assemble the Freeholders and other Inhabitants of

their

their Town qualified as in and by his Majesty's Royal Charter is directed, to elect and chuse so many good and lawful Men of the said Town or Districts thereof, alike qualified, as aforesaid, as the Warrant shall direct, to serve as Jurors at the said Court: And the Constable shall Summon the Persons so chosen, to attend accordingly at the Time and Place appointed, and make timely Return of his Warrant unto the Clerk that granted the same; on pain that every Constable failing of his Duty therein, shall forfeit and pay unto the County Treasurer for the Use of the County, a Fine not exceeding *Five Pounds*, nor less than *forty Shillings*, at the Discretion of the Justices of the said Court: Unless such Constable so failing of his Duty as aforesaid, shall seasonably make a reasonable Excuse unto the Justices of the said Court for his Default, and the same be allowed of by them.

Penalty on Constables not returning their Warrants for choice of Jurors.

And if by Reason of Challenge, or otherwise, there do not appear a sufficient Number of good and lawful Men to make up the Petty Jury or Juries, to serve at the said Court: Then and in such Case the said Jury or Juries, shall be filled up *De talibus circumstantibus*, to be returned by the Sheriff; and where the Sheriff is concerned or related to either of the Parties in any Case, to be returned by the Coroner.

Sheriff to return Jurors, in Case there do not appear a sufficient Number.

CHAP. IV.

An Act in addition to the Act for regulating the Militia.

WHEREAS *in and by the Act Intitled*, An Act for regulating the Militia, *amongst other Things therein contained:* **It is enacted**, "That Drums, "Drummers, Trumpets, Trumpeters, Colours and Banners, be by the Commission "Officers of each Troop or Company, provided at the Charge of the respective "Companies and Troops, where they are not already provided; and the Fines "will not reach to procure the same:" *But no Direction being given by the said Law, how or in what Manner such Charge shall be raised and levied upon such Company or Troop:* 5 W. & M. c. 8. Preamble.

Be it therefore enacted by his Excellency the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That when and so often as the Fines arising in any military Company or Troop, shall not be sufficient to answer the Charge of providing suitable Drums, Trumpets, Colours and Banners; and the Support of Drummers or Trumpeters: the Commission Officers of such Company or Troop respectively, are hereby authorized and impowred, to assess so much as shall be wanting and necessary for that Use and Occasion, upon their Company or Troop; and to proportion the same in the most equal Manner they may, upon all the Persons entred in the Roll of such Company or Troop, and liable to attend any military Duty in the same; having due Regard unto Persons Ability for Estate and other Circumstances. And where there be Sons and Servants, their Parents or Masters to pay for them, if they cannot do it themselves. And the Assessment so made, being signed by the Commission Officers, shall be committed unto the Clerk of such Company or Troop, together with a Warrant from the chief Officer of the same, requiring the said Clerk to collect and pay in the same unto himself, to be employed and disposed to the Use aforesaid; and to make Distress of all Persons that shall neglect or refuse to pay their Proportion thereof. And such Clerk is hereby impowred and required to execute such Warrant accordingly, and to pay in the said Monies unto his chief Officer. And if any fail in their Betrustment and Duty aforesaid, they shall be liable to give Account to their superiour Officers, from Time to Time.

Commission Officers to make Assessment for Drums, Trumpets, &c.

CHAP.

CHAP. V.

An Act for the ſuppreſſing and puniſhing of Rogues, Vagabonds, common Beggars, and other lewd, idle & diſorderly Perſons. And alſo for ſetting the Poor to Work.

Houſe of Correction to be provided in each County.

BE it enacted by his Excellency the Governour, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame, That there ſhall be erected, built or otherwiſe provided in every County within this Province, at the Charge of ſuch County; a fit and convenient Houſe or Houſes of Correction (where ſuch a Houſe is not already provided) with convenient Accommodations thereunto adjoining and belonging; to be uſed and employed for the keeping, correcting and ſetting to Work of Rogues, Vagabonds, common Beggars, and other lewd, idle and diſorderly Perſons. And until ſuch Houſe or Houſes of Correction be erected, built or otherwiſe provided, the common Priſon in each County may be made Uſe of for that Purpoſe.

4 *W.* & *M.* ca. 12.

Juſtices in their Seſſions to appoint a Maſter of the Houſe of Correction.

And be it further enacted by the Authority aforeſaid, That the Juſtices of Peace in every County at the General Seſſions of the Peace, to be holden for the ſame County, from Time to Time, may nominate and appoint at their Will and Pleaſure, an honeſt fit Perſon to be the Maſter of ſuch Houſe of Correction: And it ſhall and may be lawful to and for the ſaid Court, or any one Juſtice of the Peace out of Court, to ſend and commit unto the ſaid Houſe, to be kept and governed according to the Rules and Orders thereof, all Rogues, Vagabonds, and idle Perſons, going about in any Town, or County, begging; or Perſons uſing any ſubtle Craft, Jugling or unlawful Games or Plays; or feigning themſelves to have Knowledge in Phyſiognomy, Palmeſtry; or pretending that they can tell Deſtinies, or Fortunes, or diſcover where loſt or ſtol'n Goods may be found; common Pipers, Fidlers, Runaways; ſtubborn Servants or Children, common Drunkards, common Night Walkers, Pilferers, wanton and laſcivious Perſons, either in Speech or Behaviour; common Railers, or Brawlers; ſuch as neglect their Callings, miſpend what they earn, and do not provide for themſelves, or the Support of their Families; upon due Conviction of any of the Offences or Diſorders aforeſaid.

Rogues, Vagabonds, &c. to be ſet to Work.

And be it further enacted by the Authority aforeſaid, That the Maſter of ſuch Houſe of Correction to be appointed as aforeſaid, ſhall have Power and Authority, and ſhall ſet all ſuch Rogues, Vagabonds, Beggars, and other lewd, idle and diſorderly Perſons, as aforeſaid, that ſhall be duly ſent or committed unto his Cuſtody, to Work and Labour (if they be able) for ſuch Time as they ſhall continue and remain in the ſaid Houſe; and to puniſh them by putting Fetters or Shackles upon them, and by moderate whipping, not exceeding ten Stripes at once; which (unleſs the Warrant of Commitment ſhall otherwiſe direct) ſhall be inflicted at their firſt coming in, and from Time to Time; in Caſe they be ſtubborn, diſorderly or idle, and do not perform their Task, and that in good Condition, according as they ſhall be reaſonably ſtinted: or to abridge them of their Food, as the Cauſe ſhall require, until they be reduced to better Order.

And puniſhed by Whipping &c.

And for the better ſupport and governing of the ſaid Houſe of Correction; and for employing of ſuch Perſons as ſhall be committed to the ſame:

Juſtices in their Seſſions to make Orders for governing the Houſe of Correction.

Be it further enacted by the Authority aforeſaid, That the Juſtices of each County in their Court of General Seſſions of the Peace, ſhall be, and hereby are authorized and impowred, to make neceſſary Rules and Orders from Time to Time, as they ſhall find Occaſion; for the ruling, governing and puniſhing of ſuch Perſons ſo to be committed, agreable to the Laws of this Province:

And

And such Rules and Orders as shall be made in that Behalf by the Justices in their General Sessions, shall be of Force, and be duly performed and put in Execution.

How Persons sent to the House of Correction are to be supported.

And be it further enacted by the Authority aforesaid, That when any Person or Persons shall be committed to the said House of Correction, from any Town or Towns in this Province, the Select-Men of such Town to which the said Person or Persons belongs, shall take Care, and at the Cost and Charge of the said Town shall provide, as there shall be Occasion, suitable Materials; such as shall be necessary and convenient for the keeping such Person or Persons so committed, to Work, during his or their Abode there; and shall deliver the same to the Master or Keeper of the said House, to be improved for that End. And where any stubborn Children or Servants, that are under the immediate Care and Government of their Parents and Masters, shall be committed to the said House; the Parents or Masters of such Children or Servants (if able) shall take care to provide such Things as may be necessary for the keeping of them to Work and Labour, during their Abode in the said House. And no Person to be committed to the said House of Correction that is able to Work, shall in any Sort be chargeable to the County, for any Allowance; either at their bringing in, going forth, or during the Time of their Abode there: but shall only be allowed for their Labour and Work, the Sum of *eight Pence* out of every *Shilling* they shall earn; and the Over-plus of such their Earnings, to be unto the Master or Keeper of the said House, to Account for: And if such Persons are Masters or Heads of Families, then and in such Case, the whole Profit and Benefit of their Labour, or so much thereof as the Court of General Sessions of the Peace shall think necessary and direct, shall be for the Relief and Support of such Persons and their Families. And if any Person or Persons to be committed to the said House, shall be unable to Work, or be weak or sick; then to be relieved by the Master or Keeper of such House; who shall be again reimbursed what he shall so necessarily expend for the Relief of such Person or Persons, by the Select-Men of such Town to which the said Person doth belong; and the Select-Men to assess the same upon the Inhabitants of such Town or Precinct: except the Person or Persons so committed to the said House, being unable to Work, or being weak or sick, were at the Time of his, her, or their Commitment, in their Minority, and under the Care of their Parents or Masters: Then and in every such Case, the Parents or Masters of such Person or Persons, shall reimburse what necessary Charges the Master or Keeper of the said House of Correction shall necessarily expend for their Relief.

Master of the House of Correction, to be paid for his Care, &c.

And be it further enacted by the Authority aforesaid, That the Master or Keeper of the said House of Correction shall for his Care, Labour and Service, in looking after the Person or Persons that from Time to Time shall be committed to his Care and Custody; and also for relieving any Person or Persons that shall happen to be weak or sick in his Custody, have such reasonable Allowance and Satisfaction made him, by the Parents or Masters of such Person or Persons so committed, if under their immediate Care and Government; or otherwise by the Town to which said Person or Persons do belong, as the Justices at the Court of General Sessions of the Peace for such County shall direct and appoint; if the Earnings of such Person or Persons be not sufficient to discharge the same, over and above what is allowed them out of their Earnings for their Relief.

And to keep an Account of the Earnings of those committed to his Custody.

And the Master or Keeper of every such House, shall keep an exact Account of all Profits and Earnings that shall be made by the Labour of those under his Custody from Time to Time, and present the same (upon Oath if required) unto the Justices of the same County, at their General Sessions of the Peace; out of which Earnings, the said Master or Keeper of the said House shall have his Allowance: and if any Overplus be, it shall be to the Town to which the said Person or Persons doth belong; or to their Parents or Masters, according as the Circumstance of the Case may be. And the Master or Keeper of any such House of Correction that shall refuse to Account as aforesaid; or shall other-

wise negligent of his Duty required by this Act, shall be liable to such Fine or Punishment, as by the Discretion of the Court of General Sessions of the Peace in such County shall be awarded.

And for the better employing and setting the Poor to Work:

Select-Men to proportion any Assessment, that may be granted by the Inhabitants of any Town; for a Stock to set their Poor on Work.

Be it further enacted by the Authority aforesaid, That where there is a House already built in any Town, with Intent to be improved for a Work-House, to set their Poor on Work, or shall hereafter be built for that Purpose, and the Inhabitants of such Town shall grant a Tax or Assessment, for the raising of a Stock wherewith to provide necessary and suitable Materials, Tools and Implements, for employing and setting their Poor on Work at such House. The Select-Men of the same Town for the Time being, shall proportion such Tax or Assessment upon the Inhabitants thereof, in the most just and equal Manner they may, according to the Rules and Methods for the Time being prescribed by Law for proportioning the Province Tax; and shall grant Warrants for collecting the same, in like Manner as the Law directs for the gathering of other Town Rates or Assessments: And the Justices of Peace residing in any such Town, together with the Select-Men thereof, are hereby impowred and authorized, to nominate and appoint from Time to Time, three or more sufficient Persons of their Inhabitants, as a Master and Wardens; to govern, inspect and take Care, that all Persons of the same Town employed at the said Work-House, or sent thither by any two Justices of the Peace, *Quorum Unus*, to be kept to Work there; be held and kept strictly to Work: And that all idle and disorderly Persons, and such as do not duly perform such reasonable Task or Stint as shall be set them, be punished by moderate whipping, or setting in the Stocks. And all Stock, Materials, Tools and Implements, to be raised and provided as aforesaid, shall be committed into the Hands of such Master and Wardens; to be managed, used and employed, according to their Discretion, for the employing and setting to Work all such Persons as shall be under their Inspection and Government. And the said Master and Wardens, are also hereby impowred to demand, sue for, recover, accept, receive and take, any Gifts, Bequests and Donations, that are, or shall be made and given by any Person or Persons, to the Use of the Poor, for and towards a Stock for such Work-House; and to employ and dispose the same accordingly: and shall once a Year, or oftner, from Time to Time, if required, render an Account upon Oath unto the Town, of their Management, Employment and Disposal, of all Monies or other Stock to be committed unto them; or that by any other Ways or Means, as aforesaid, shall come to their Hands, and of the Profits and Incomes made thereof: and shall have such reasonable Allowance and Recompence made unto them for their Trouble, Pains and Service, in and about this Affair, as the Town shall agree and order.

Master and Wardens to be appointed for such Work-House.

Their Power.

All Stock to be kept entire, for the said Works.

And all Stock to be raised, or otherwise obtained as aforesaid, with the Increase, Profits and Improvements, from Time to Time made thereof, shall be kept entire, and applied to, and for the Ends and Uses before-mentioned, and for answering of the necessary Charges arising on and about the Repairing and keeping of the said House, and the subsisting of those that shall be there employed; and to no other Use whatsoever.

Two Justices may commit to the Work-House.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful, to and for any two Justices of the Peace (*Quorum Unus*) to send unto such Work-House, to be there employed and kept to Work, all Persons belonging to the same Town, being able of Body, that live idly or disorderly, mispend their Time; or that go about begging, or receive Alms from the Town. And the Master of such House shall receive and keep them to Work accordingly.

CHAP.

CHAP. VI.

An Act appointing the Sheriff to have the keeping of the common Goal, and the Prisoners therein.

BE it enacted by his Excellency the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That the Sheriff of each several County within this Province, have the Custody, Rule, Keeping and Charge of every of the King's common Goals, Prisons, and Prisoners in the same, in the County where he is Sheriff, during the Time of his Office; to be held and kept by himself or his lawful Deputy or Under-keeper, for whom the Sheriff shall be answerable. And every Sheriff shall give sufficient Security at the Discretion of the Court of General Sessions of the Peace in the same County, unto the King's Majesty, for the due and faithful Discharge and Performance of his Office in all the Parts thereof.

Sheriff to have the Custody of the Goal and Prisoners therein.

To give Security.

And for Encouragement unto the Sheriff to take and use all possible Care and Diligence for the safe keeping of the Prisoners that shall be committed to his Custody:

Be it further enacted by the Authority aforesaid, That the Sheriff of every County shall have such Salary allowed him for the same, as the Justices of the Court of General Sessions of the Peace within the same County shall think fit and order, not exceeding *Thirty Pounds* per Annum for the County of *Suffolk*; and not exceeding *Ten Pounds* a piece in each of the other Counties within the Province; to be paid out of the Treasury of such County.

Salary.

CHAP. VII.

An Act for keeping of Watches in Towns.

BE it enacted by his Excellency the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That from Time to Time, when and so often as a military Watch shall not be ordered and appointed to be kept, the Justices of Peace, together with the Select-Men of each Town within this Province; and in such Towns where no Justice of the Peace dwells, the Select-Men by themselves, are hereby impowred and authorized to direct and order a suitable Watch or Watches to be set up and kept nightly within such Town; from and after nine a Clock in the Evening, until Sun rising in the Morning, and the Place or Places where to set the same; and also a Ward to be kept every Lord's Day, and other Days, as they shall think to be needful; and to appoint the Numbers whereof such Watch and Ward shall consist, and the Time for the beginning and continuance of the same. And the Constable or Constables of the Town, having Orders accordingly given him or them in writing, by the Justices and Select-Men, or the Select-Men only, in such Towns where no Justice of Peace dwells, are hereby impowred and required from Time to Time, to warn such Watch and Ward respectively, and to see that all Persons so warned by them do attend and observe their Duty in that Regard, and to take Care in the warning thereof, that such Watch or Ward do not consist of all or the greater Part Youths, but that some able Housholders, or other sufficient Persons be joined with them. And the Constables are hereby enjoined to give in Charge to the Watch to see that all Disturbances and Diforders in the Night be prevented or suppressed, and to examine all Persons whom they shall see walking abroad in the Night after ten a Clock, of their Business abroad at such Season, and whither they are going; unless they be known, orderly, and peaceful Persons; and in Case they give not reasonable Satisfaction therein, or are Persons of ill Behaviour, or justly suspected to have any unlawful Intention or Design, then to secure by Imprisonment or otherwise all such disorderly and suspicious Per-

5 *W. & M.* ca. 8.

Justices and Select Men to appoint a Watch to be kept in Towns.

11 *A.* ca. 6.

To be warned by the Constable.

sons, to be safely kept until the Morning, and then to carry them before one of the next Justices of the Peace to be examined and proceeded against according to the Nature of their Offence as is by Law directed. And such Watchmen shall walk the Rounds in and about the principal inhabited Parts within such Town, to prevent any Danger by Fire, and to see that good Orders be kept, taking particular Observation and Inspection of all Houses and Families of evil Fame; and shall strictly observe the Charge to be given them as aforesaid.

Houses of ill Fame to be observed.

And be it further enacted by the Authority aforesaid, That all male Persons in each Town respectively of the Age of sixteen Years or upwards, being able of Body, or having Estate sufficient to hire, shall be liable to Watch and Ward either in their own Persons, or by some other sufficient Person or Persons in their Room, when duly warned to attend the same. Except the Members of the Council, Justices of the Peace, Members of the Assembly for the Time being, the President, Fellows and Students at the College, Ministers, Grammar School-Masters, the Sheriff of each County, the chief Commission Officer of each military Company and Troop for the Time being, the Officers of the Governour's Troop of Guards; and Persons living two Miles from the Place where the Guard is kept.

Persons liable to watch.

Exception.

And be it further enacted by the Authority aforesaid, That if any Persons liable to Watch or Ward as aforesaid, being duly warned by the Constable, or other Person by his Appointment, shall refuse or neglect to appear, and attend their Duty in that Regard, either by themselves, or some other sufficient Persons in their Stead, and be thereof convicted before a Justice of the Peace, either by the Oath of such Constable, or other sufficient Testimony upon Oath, without a just and reasonable Excuse to be made and given for the same: Every Person so offending, shall forfeit and pay to the Use of the Poor in such Town, the Sum of *five Shillings*; and have the said Sum with the Charges of Prosecution levied by Distress and Sale of his or her Goods or Chattels, or otherwise be committed to Prison until the same be paid. And the Constables of each Town are required from Time to Time to observe and perform the Orders that shall be given them as aforesaid; on pain of being fined to the Use of the Poor within such Town, not exceeding *forty Shillings*.

Penalty for not giving their Attendance when warned.

Provided nevertheless, and be it further enacted by the Authority aforesaid, That in any Town where the Members of the Council, and the Justices of the Peace within such Town, together with the Select-Men thereof, or the Select-Men by themselves, where no Member of the Council nor Justice dwells, shall judge that a Watch may be kept in such Town more for the Benefit and Safety thereof in other Manner than is herein before directed, the Inhabitants also agreeing to support the Charge thereof: The Justices in the Court of General Sessions of the Peace within the County where such Town doth lie, upon Application to them made in that Behalf, are hereby impowred and authorized to direct and order the Rule for apportioning and levying of such Sum upon the Inhabitants and Residents in such Town, as shall be granted by the Town for that Purpose, in such Manner as they shall judge most equal and reasonable, by Poll, Estate, or both, to be applied accordingly.

Provision for keeping a Watch in another Form where it may be judged better.

CHAP. VIII.

An Act for Rebuilding the Great Bridge over Charles River in the Town of *Cambridge*.

Preamble.

WHEREAS the Great Bridge over Charles River in the Town of Cambridge, *within the County of* Middlesex, *is of common Use and Advantage to the greatest Part of this Province, considering the publick Benefit of the* College; *and was at first by a general Contribution of the Counties of* Suffolk *and* Middlesex *erected: The said Bridge being now gone to Decay: And for as much as the*

the said Town of Cambridge *are not able to Rebuild the same; and for the Encouragement to the new building of the said Bridge:*

Be it enacted by his Excellency the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That for and towards the Rebuilding and a new Making the Great Bridge aforesaid, there shall be paid out of the publick Treasury of this Province, the Sum of *One Hundred fifty and three Pounds* Money, *(One Hundred and three Pounds,* Part of a greater Sum formerly granted by the General Assembly for the Use aforesaid, not being paid, to be understood and intended to be Part of the aforesaid Sum of *One Hundred and fifty three Pounds.)* Allowance out of the Treasury for Rebuilding the said Bridge.

And further for the Use and End aforesaid:

It is ordained and enacted, That there shall be paid by the County of *Middlesex*, the Sum of *Fifty Pounds* Money; and by the County of *Suffolk*, the like Sum of *Fifty Pounds* Money. And for the supplying of what shall be further necessary for the Rebuilding the said Bridge, the Town of *Cambridge* shall pay two third Parts, and the Town of *Newton* shall pay one third Part of the Cost and Charges. And the Justices of the Peace for the respective Counties aforesaid, at the next General Sessions of the Peace, shall, and are hereby impowred, authorized and required to assess and collect, the respective Sums aforesaid, in Manner and Form as they assess and collect other County Charges; and the Select-Men of the Towns aforesaid, to assess the Proportions aforesaid, as in other Town Charges. How the further Charge thereof is to be proportioned.

And further for the more effectual accomplishing the Work aforesaid:

It is enacted, That *Nathanael Byfield*, Esq; Major *James Converse*, Capt. *Andrew Belcher*, Mr. *Jonathan Remington*, Mr. *Thomas Oliver*, and Mr. *Edward Jackson*, shall be a Committee, who are also hereby impowred to receive out of the publick Treasury, and of the Counties and Towns aforesaid, the respective Sum and Sums in and by this Act granted, and to be assess'd and collected as aforesaid; and shall according to the true Intent and Meaning thereof, cause the said Bridge to be forthwith erected and sufficiently Rebuilt; Any Law, Custom or Usage to the contrary notwithstanding: And that after the said Bridge is rebuilt and finished, it shall from Time to Time be repaired and maintained at the Charge of the said Towns of *Cambridge* and *Newton*, in the proportion aforesaid. Committee to take care about rebuilding the said Bridge. How to be repaired and maintained afterwards.

CHAP. IX.

An Act in Addition to the Act for regulating of Townships, &c.

4 *W. & M.* ca. 12.

Be it enacted by his Excellency the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That the Freeholders and other Inhabitants of each Town duly qualified to vote in Town Affairs, at the Time of their annual Meeting, for the choice of Town Officers, shall choose a suitable Person to be Treasurer for such Town; who shall be sworn before a Justice of the Peace, to the true and faithful Discharge of his Trust; who is hereby impowred to administer the said Oath. And such Treasurer shall, and hereby is impowred to demand and receive all Debts, Rents and Dues belonging or owing to such Town, or the Poor thereof; and to sue for and recover the same by due Process in the Law; and shall pay out such Monies, according to Order from the Select-Men, or Overseers of the Poor; pursuant to such Instructions as they shall receive from the Town: And every such Treasurer shall annually make and render a true Account to the Town of all his Receipts and Payments: And shall have such Allowance for his Service, as shall be agreed and ordered by the Town. Town Treasurer to be annually chosen. His Power. To Account.

ACTS

Acts and Laws,

Paſſed by the Great and General Court or Aſſembly of the Province of the *Maſſachuſetts-Bay* in *New-England*, Begun and Held at *Boſton* the thirty firſt Day of *May* 1699. And continued by ſeveral Prorogations until Wedneſday the thirteenth of *March* following, and then Sat.

CHAP. I.

An Act for putting the Militia of this Province into a Readineſs for Defence of the ſame.

5 *W.* & *M.* ca. 8.

WHEREAS *by the Law of this Province, it is already provided,* " That in " Caſe of Alarms made either from a Sea-Port Town, or other Town, " lying Frontier to, or in Danger of an Enemy; the Captain or Captains " of the adjacent Towns ſhall forthwith go or ſend ſuch Relief as they ſhall judge " meet for the Offence of the Enemy, and Defence of themſelves, *&c.*" *But for as much as the Occaſion may be ſuch and ſo ſudden, as it may be neceſſary to call together, Arms, Array, and put into a Poſture for War the whole Militia and Forces of one or more Regiments, for the Defence of the Province, and his Majeſty's Subjects therein, in Caſe of Invaſion or near Approach of an Enemy, before the Notices thereof can reach the Captain General or Commander in Chief, to have Directions or Orders from him for the ſame:*

Preamble.

Be it therefore enacted and declared by his Excellency the Governour, by and with the Advice and Conſent of the Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame, That all Perſons commiſſioned by the Captain General or Commander in Chief of this Province, for the Time being, to bear Office in any military Company or Troop within the ſame, be, and hereby are impowred and authorized by virtue of ſuch Commiſſion, when and as Occaſion ſhall require, in the Caſes and to the Intents and Purpoſes aboveſaid, to Arm, Array and Weapon the Company or Troop reſpectively under their Command, or Part of them; and by Force of Arms, to encounter, repel, purſue, kill and deſtroy any that ſhall appear in hoſtile Manner to attempt or enterprize the Deſtruction, Invaſion, Detriment or Annoyance of any of his Majeſty's Subjects, Forts, Garriſons, Towns or Plantations within this Province. And that ſuch Officer or Officers ſo taking to Arms, ſhall forthwith diſpatch Notice to his or their ſuperiour Officer of his or their Motion and the Occaſion thereof, and obſerve ſuch Commands and Orders as he or they ſhall receive from him.

Military Commiſſion Officers impowred, by Force of Arms to encounter any hoſtile Enterprize.

And be it further enacted by the Authority aforeſaid, That the Colonel or chief Officer of each Regiment be, and hereby is impowred and authorized, as Occaſion ſhall require, in any of the Caſes, and to the Intents before-mentioned from Time to Time, to aſſemble in martial Array, and put into warlike Poſture the whole Militia of the Regiment under his Command, or ſuch Part of them as he ſhall think needful, upon any Alarm, Invaſion, or Notice of the Appearance of an Enemy by Sea or Land: And the Regiment, Companies or Troops ſo armed, arrayed, and put into warlike Poſture, or Part of them, to lead, conduct and employ; or to appoint ſome other fit Perſon by writing under his Hand to lead, conduct and employ them as well within the Regiment and County whereto they belong, as into any other adjacent County or Place within this Province, for the aſſiſting, ſuccouring and relieving any of his Majeſty's Subjects, Forts, Garriſons, Towns or Places, that ſhall be aſſaulted by an Enemy, or in

Colonel or chief Officer of any Regiment, his Power.

in Danger thereof; and with ſuch Party, Companies or Troops, by Force of Arms, to encounter, repel, purſue, kill and deſtroy ſuch Enemy, or any of them, by all fitting Ways, Enterpriſes and Means whatſoever. And the Colonel or chief Officer of ſuch Regiment ſo taking to Arms, or ſending forth any Party of Men, ſhall forthwith Poſt away the Intelligence and Occaſion thereof unto the Captain General or the Commander in Chief for the Time being; and ſhall attend and obſerve ſuch Directions and Orders as he ſhall receive from him. To Poſt away Intelligence to the Captain General, &c.

And in Caſe it happen the Colonel or chief Officer of any Regiment be out of the Limits or Precincts of the Regiment, for which he is or ſhall be commiſſionated, at the Time of any Invaſion, Attack or Appearance of an Enemy; or Alarm given from any of the neighbouring Towns or Regiments; the next Commiſſion Officer then within the Regiment, ſhall have, uſe and exerciſe the ſame Powers and Authorities herein before granted, until the return of the Colonel, or other ſuperiour Officer. And ſuch Officer ſo acting ſhall Poſt away the Intelligence thereof, with the Occaſion for the ſame, as aforeſaid, unto the Captain General, or the Commander in Chief for the Time being; and ſhall attend and obſerve ſuch Directions and Orders as he ſhall receive, from the Captain General or Commander in Chief therein. The like Power given to the next Commiſſion Officer, in Caſe of the Abſence of the chief Officer.

And for the better preventing of falſe Alarms by diſorderly ſhooting off Guns in the Night:

Be it further enacted by the Authority aforeſaid, That no Perſon or Perſons whatſoever in any Town or Garriſon, ſhall, during the Time of War, or of keeping a military Watch in ſuch Town or Garriſon, preſume to diſcharge or ſhoot off any Gun or Guns after the Sun's ſetting, or before the Sun's riſing; unleſs in Caſe of Alarm, approach of an Enemy, or other neceſſary Defence: on pain that every Perſon ſo offending, and being thereof convicted before one or more of his Majeſty's Juſtices of the Peace, ſhall forfeit and pay the Sum of *twenty Shillings* for each Gun ſo diſcharged; one Moiety thereof to and for the Uſe of the Poor of the Town where the Offence ſhall be committed, and the other Moiety to him or them that ſhall inform or proſecute for the ſame. And if ſuch Offender ſhall not have wherewith to anſwer the ſaid Fine; or ſhall refuſe or neglect to pay the ſame, then he ſhall be ſet in the Stocks, not exceeding two Hours Time. Penalty for ſhooting off Guns after Sun ſet, and before Sun riſing.

And in Caſe any Perſon ſo offending be belonging to any Garriſon or Forces in actual Service, and borne in His Majeſty's Pay, he ſhall be puniſhed at the Diſcretion of a Court martial; or the Commiſſion Officers of the Garriſon, Company, or Troop whereto he belongs, by putting into the Bilboes, laying Neck and Heels, or riding of the wooden Horſe.

CHAP. II.

An Act againſt Deſerters.

FOR the better preventing of Soldiers or Mariners Departure from their Captains or Commanders without Leave, or deſerting His Majeſty's Service: Preamble.

Be it enacted and declared by his Excellency the Governour, by and with the Advice and Conſent of the Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame, That no Soldier or Mariner retained in his Majeſty's Service, and borne in his Majeſty's Pay in Garriſon, or elſewhere, by Sea or Land, ſhall depart without Licence of his Commander, and deſert his Majeſty's Service; on pain of being proceeded againſt as a Felon; and ſhall ſuffer the Pains of Death, or ſome other grievous Puniſhment, at the Diſcretion of the Court before whom the Trial ſhall be. Penalty for deſerting his Majeſty's Service.

And

How Deserters shall be tried.

And every Justice of the Peace within his Precinct, is hereby authorized and required to cause all such Deserters or Run-away Soldiers or Mariners, which he shall know or be informed of, to be apprehended and secured, in order to a Trial at the next Assizes to be holden for the same County where they shall be taken; or at the Court of Oyer and Terminer by Commissioners to be specially appointed and impowred for that Purpose.

CHAP. III.

An Act in addition to the Act for building with Stone or Brick in the Town of *Boston*, and preventing Fire.

4 *W.* & *M.* ca. 1.

FOR AS MUCH *as notwithstanding the good and wholsome Provision made and established by the said Act, Entitled,* An Act for building with Stone or Brick in the Town of *Boston*, and preventing Fire, *past in the fourth Year of the Reign of his present Majesty, and of the late Queen* MARY, *his Royal Consort, of happy Memory; divers Persons the Penalty in the said Act not regarding, have been so hardy as to erect and build Houses, Tenements, and Edifices of Timber, contrary to the expres Prohibition, true Intent and Meaning of the said Law. And for as much as the demolishing of such Houses and Buildings (being now finished) and proceeding according to the Directions of the said Law, would probably be thought over great Severity: Yet that such bold and open Contempt may not pass wholly unpunished; and to the Intent that others may be deterred from doing the like for the future:*

Preamble.

Penalty on such as have built with Timber contrary to Law.

Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That the Court of General Sessions of the Peace within the County of *Suffolk*, be and is hereby impowred and required to take effectual Order for the enquiring after and conventing before them, all Persons that have so transgressed as aforesaid, in having presumed to erect, or that have caused to be erected, and set up within the Town of *Boston* aforesaid, any House, Edifice or Building of Timber; or of Brick or Stone, and not covered the same with Slate or Tyle, contrary to the aforerecited Act, and the true Intent and Meaning thereof; not having had and obtained Licence from the Governour and Council, for his or their so doing: or that have not observed and performed the Terms or Conditions of such Licence; and upon due Conviction of any such Offence, to fine every such Person and Persons, at the Discretion of the said Court, according to the Circumstances aggravating the Offence, with Respect to the Place where such House or Building is erected, or otherwise; not exceeding the Sum of *Fifty Pounds*, for one Offence, which shall excuse them from any further Penalty of the Law. All such Fines to be applied towards the raising of a Stock for setting of the Poor on Work within the said Town, at the Work-House, for that Purpose appointed or to be appointed.

Fines how to be applied.

Grand Jury to inquire and present such Transgressions.

And the Grand Jury for the said County from Time to Time, are required diligently to inquire after, and to present unto the Court all Transgressions of the Law in that Kind, which shall come to their Knowledge.

And in as much as it may be of no apparent Hazard unto the said Town, and for the Ease and Benefit of divers Inhabitants and Proprietors within the same, that in some Parts of the said Town of Boston, *Timber Buildings should be permitted and allowed to be erected:*

Governour and Council may grant Licence to build with Timber.

Be it enacted by the Authority aforesaid, That the Justices of Peace, and the Select-Men of the said Town of *Boston*, or the major Part of each, certifying their Approbation thereof, the Governour and Council may grant Licence for the setting up of Timber Houses and Buildings; with and under such Conditions, Limitations and Restrictions for the enclosing and covering thereof as they shall think fit: Any Law, Usage or Custom to the contrary in any wise notwithstanding.

Acts and Laws,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and Held at *Boston*, on Wednesday the twenty-ninth Day of *May*, 1700.

CHAP. IV.

An Act against Jesuits and Popish Priests.

Preamble.

WHEREAS *divers Jesuits, Priests and popish Missionaries have of late come, and for some Time have had their Residence in the remote Parts of this Province, and other His Majesty's Territories near adjacent; who by their subtle Insinuations, industriously labour to debauch, seduce and withdraw the* Indians *from their due Obedience unto His Majesty; and to excite and stir them up to Sedition, Rebellion and open Hostility against His Majesty's Government:*

For Prevention whereof:

Jesuits, Priests &c. to depart the Province by the 10th of *September*.

Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and it is enacted by the Authority of the same, That all and every Jesuit, seminary Priest, Missionary, or other spiritual or ecclesiastical Person made or ordained by any Authority, Power or Jurisdiction derived, challenged or pretended from the Pope or See of *Rome*, now residing within this Province, or any Part thereof; shall depart from and out of the same, at or before the tenth Day of *September* next, in this present Year, One Thousand and seven Hundred.

Penalty on Jesuits or Priests, &c. that shall remain or come into this Province after the 10th of *September* 1700.

And be it further enacted by the Authority aforesaid, That all and every Jesuit, seminary Priest, Missionary, or other spiritual or ecclesiastical Person, made or ordained by any Authority, Power or Jurisdiction, derived, challenged or pretended from the Pope or See of *Rome*; or that shall profess himself, or otherwise appear to be such by practising and teaching of others to say any popish Prayers, by celebrating Masses, granting of Absolutions, or using any other of the Romish Ceremonies and Rites of Worship, by or of what Name, Title or Degree soever such Person shall be called or known; who shall continue, abide, remain, or come into this Province, or any Part thereof, after the tenth Day of *September* aforesaid; shall be deemed and accounted an Incendiary, and Disturber of the publick Peace and Safety, and an Enemy to the true Christian Religion, and shall be adjudged to suffer perpetual Imprisonment: And if any Person being so sentenced and actually imprisoned, shall break Prison and make his Escape, and be afterwards re-taken, he shall be punished with Death.

Penalty for receiving or harbouring any Jesuit or Priest.

And further it is enacted, That every Person who shall wittingly and willingly, receive, relieve, harbour, conceal, aid or succour, any Jesuit, Priest, Missionary, or other ecclesiastical Person of the Romish Clergy, knowing him to be such, shall be fined *two Hundred Pounds*; one Moiety thereof to be unto His Majesty, for and towards the Support of the Government of this Province, and the other Moiety to the Informer; and such Person shall be further punished by being set in the Pillory on three several Days, and also be bound to the good Behaviour, at the Discretion of the Court.

How Offences against this Act, shall be inquired of and determined.

And be it also enacted, That every Offence to be committed or done against the Tenor of this Act, shall and may be inquired of, heard and determined in the Court of Assize and General Goal Delivery, or before Commissioners of Oyer and Terminer and Goal Delivery, specially to be appointed to sit either within the County where the Offence is committed, or where the Offender is apprehended or taken; or in any other County within the Province: Any Law, Usage or Custom to the contrary notwithstanding.

Justices of the Peace to apprehend Persons suspected to be Jesuits or Priests.

And further be it enacted by the Authority aforesaid, That it shall and may be lawful to and for every Justice of the Peace, to cause any Person or Persons suspected of being a Jesuit, seminary Priest, or of the Romish Clergy, to be apprehended and convented before himself, or some other of His Majesty's Justices. And if such Person do not give a satisfactory Account of himself, he shall be committed to Prison, in order to a Trial.

Any Person without a Warrant may apprehend any Jesuit or Priest.

Also it shall and may be lawful to and for any Person or Persons to apprehend without a Warrant, any Jesuit, seminary Priest, or other of the Romish Clergy as aforesaid, and to convent him before the Governour, or any two of the Council, to be examined and imprisoned, in order to a Trial; unless he give a satisfactory Account of himself.

Reward.

And as it will be esteemed and accepted as a good Service done for the King, by the Person who shall seize and apprehend any Jesuit, Priest, Missionary, or Romish Ecclesiastic as aforesaid; so the Governour with the Advice and Consent of the Council, may suitably reward him as they shall think fit.

Saving for any of the Romish Clergy that shall be Shipwreck'd, &c.

Provided, This Act shall not extend or be construed to extend unto any of the Romish Clergy which shall happen to be Shipwreck'd; or through other Adversity shall be cast on Shoar, or driven into this Province; so as he continue or abide no longer within the same than until he may have Opportunity of Passage for his Departure; so also as such Person immediately upon his arrival shall forthwith attend the Governour, if near to the Place of his Residence, or otherwise on one or more of the Council, or next Justices of the Peace, and acquaint them with his Circumstances, and observe the Directions which they shall give him, during his stay in the Province.

CHAP. V.

An Act for the regulating of Prisons, and to prevent Escapes.

Prison Keepers to return a List of their Prisoners.

Be it enacted by his Excellency the Governour, Council and Representatives, in General Court assembled, and it is enacted by the Authority of the same, That every Goaler or Keeper of the King's Prisons within the several Counties in this Province, at the opening of the Court of Assize and General Goal Delivery, Court of Oyer and Terminer; and Court of General Sessions of the Peace, respectively to be holden within such County from Time to Time, shall return a List and certify unto such Court the Names of all Prisoners then in his Custody, with the Cause of their Commitment: And also the Names of all other Prisoners that shall be committed unto him during the sitting of any such Court; whereby the Justices of the said Courts respectively may take Cognizance thereof: and as well for the King as for the Parties, may proceed to make Deliverance of such Prisoners according to Law, for the Crimes proper to the Jurisdiction of such Court; on Pain that every Goaler or Prison-Keeper for each Default by him made in that Respect, shall forfeit such Sum as shall be set upon him, by the Justices of the Court, not exceeding *ten Pounds*.

Prison Breach or Flight to be accounted one Evidence.

Be it further enacted by the Authority aforesaid, That whosoever breaketh Prison, or shall make his escape from an Officer, after his being arrested or imprisoned for any Crime, his Breach of Prison or Flight, shall be accounted and esteemed in the Law one Evidence to convict him of the Crime wherewith he stands charged in the Warrant for his Apprehension or Commitment.

And

And if any Person whatsoever, shall directly or indirectly by any Ways or Means howsoever convey any Instrument, Tool or other Thing whatsoever, to any Prisoner, or into the Prison, whereby such Prisoner or any other Prisoner either may or might break Prison, or work him or her self unlawfully out of the same; every Person so offending, and being thereof convicted, shall forfeit and pay such Fine, as by the Discretion of the Court shall be imposed and set upon such Offender, according to the Nature of the Cause of the Prisoners Commitment, not exceeding *Twenty Pounds*; or suffer corporal Punishment by whipping not exceeding twenty Stripes. Penalty on Persons that shall convey any Instrument or Tool into the Prison.

And if it happen any Prisoner or Prisoners do make his or their Escape by Means of any Instrument, Tool or other Thing conveyed as aforesaid, the Person or Persons conveying the same, shall be fined, not exceeding *Five Hundred Pounds*; or be corporally punished by whipping, not exceeding thirty nine Stripes, and find Sureties for the good Behaviour, during the space of one Year, at the Discretion of the Court, according to the Nature of the Crime or Crimes wherewith the Prisoner or Prisoners stood charged in their Mittimus's, or Warrants of Commitment, and other Circumstances aggravating the Offence. And if any Prisoner or Prisoners so escaping, shall stand convict of any capital Crime, the Person or Persons assisting or furthering their Escape as aforesaid, over and above their being fined or corporally punished as before is directed, and bound to the Behaviour; shall also be stigmatized or burned in the Forehead or on the Cheek, with a hot Iron of the Figure of the Letter B. Further Penalty in case any Prisoner by Means of such Instrument &c. do escape.

And further it is enacted by the Authority aforesaid, That if the Prisoner or Prisoners so escaping were imprisoned for Debt, the Person or Persons assisting and furthering their Escape as aforesaid, shall be liable to pay the full Debt owing to the Creditor or Creditors, at whose Suit such Prisoner or Prisoners stood committed; to be recovered by Action or Actions, upon the Case therefore to be brought against the Person or Persons, so offending as aforesaid, who shall also be fined or corporally punished as aforesaid, at the Discretion of the Court, not exceeding the Fine or Punishment before-mentioned. Escape of Prisoners for Debt.

And be it further enacted, That every Goaler or Prison-Keeper that shall voluntarily suffer any Prisoner or Prisoners committed to his Custody to escape, upon due Conviction thereof, shall undergo and suffer the like Pains and Penalties as the Prisoner or Prisoners so escaping should by Law for the Crime or Crimes wherewith he or they stood charged by the Warrant or Warrants of Commitment, if the Prisoner or Prisoners had thereof been convict. Penalty on the Goaler for a voluntary escape.

Provided, That if any Person assisting and furthering the escape of any Prisoner in Manner as aforesaid, or if the Keeper of the Prison that shall voluntarily suffer to escape as aforesaid, shall by any Ways or Means recover any Prisoner or Prisoners so escaping, and return them back to Prison again before Prosecution had, and Judgment entred up against such Person or Prison-Keeper for such Escape, (which shall not be until six Months past next after the Escape,) in such Case the Person or Prison-Keeper so offending shall be liable to no further Punishment than to pay such Fine as the Court that shall have Cognizance thereof, in their Discretion shall think fit to set upon him, according as the Offence may be aggravated by the Circumstances attending the same, and the Degree of the Crime wherewith the Prisoner stands charged. Proviso.

And in Case the escape of any Prisoner happen thro' the Negligence of the Goaler or Prison-Keeper, he shall pay such Fine as the Justices of the Court in their Discretion before whom the Prosecution shall be, shall impose and set upon him according to the Nature or Degree of the Offence, for which the Prisoner escaping was taken and imprisoned. And if the Prisoner so escaping were imprisoned for Debt, the Prison-Keeper shall be answerable to the Creditor for the full Debt, and he shall have his Remedy against the Prisoner. For a negligent escape.

All Fines and Forfeitures arising by Virtue of this Act, shall be applied to and for the repairing, maintaining and upholding of the Prison within the County where the Offence shall be committed; and be paid in to the County Treasurer to be employed accordingly, and not otherwise. Fines and Forfeitures how to be applied.

Escape of Debtors thro' defect of the Prisons to be answered by the County.

And be it further enacted by the Authority aforesaid, That where the escape of any Prisoner or Prisoners for Debt shall happen through the Defect or Insufficiency of any Prison, from and after the twenty fifth Day of *March* next, in the Year one Thousand sevenHundred and one, the County shall make good such Debt as the Prisoners so escaping did justly owe unto the Creditor or Creditors, at whose Suit he was imprisoned, and the County shall have their Remedy against the Prisoner.

Prisons to be erected in each Shire or County Town.

And further it is enacted, That there be sufficient Prisons forthwith provided within the several Counties, and from Time to Time kept so. And that the said Prisons be erected and maintained in the Shire, or County Town of each County respectively, and in such other Towns as the Court of General Sessions shall see needful. And the Court of General Sessions of the Peace holden in the several Counties, are to give effectual Order thereabout: Any Law, Custom or Usage to the contrary notwithstanding.

CHAP. VI.

An Act relating unto the Office and Duty of a Coroner.

Coroners to take Inquests on dead Bodies.

Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That every Coroner within the County for which he is appointed, shall be, and hereby is impowred to take Inquests of Felonies, and other violent and casual Deaths committed, or happning within his Precinct.

To be Sworn.

And before he undertake the Execution of his said Office, shall take the following Oath for his due and faithful Performance thereof, before the Governour, Lieutenant Governour, or any two or more of the Council; or such other Person or Persons as shall be thereto appointed by the Governour:

That is to say:

Coroners Oath.

YOU Swear, *That well and truly you shall serve Our Sovereign Lord the King, in the Office of a Coroner, and as One of His Majesty's Coroners of the County of* S. *And therein you shall truly and diligently do and accomplish all and every Thing and Things appertaining to your Office, after the best of your Cunning, Wit and Power, for the Profit and Good of the Inhabitants within the said County; taking such Fees as you ought to take by Law, and not otherwise.* So help you GOD.

Coroner to make out Warrants for Jurors.

And be it further enacted by the Authority aforesaid, That when and so soon as any Coroner shall be certified of the dead Body of any Person supposed to have come to a violent and untimely Death, found or lying within his County or Precinct; he shall make out his Warrant directed unto the Constables of the same Town where such dead Body lies, or of three or four of the next adjacent Towns, (if need be) requiring them forthwith to Summon a Jury of good and lawful Men of the same Town, or such Number as shall be sufficient, with those sent for from the neighbouring Towns to make up eighteen in all, to appear before him at the Time and Place in the said Warrant expres'd, which Warrant shall be made in this Form, *viz.*

Suffolk ss. *To the Constables of* B. *or to any or either of them.* Greeting.

Form of the Warrant.

THese are in His Majesty's Name to require you immediately upon the Receipt and Sight hereof, to summon and warn good and lawful Men of the said Town, to be and appear before me, one of the Coroners of the said County of S. *at* House or Place *within the said Town of* B. *betwixt the Hours of and of the Clock in the noon of this present Day of then and there to inquire upon the View of the Body of a certain Person there lying dead, how*

how and in what Manner he came to his Death: Fail not herein at your Peril, as you will answer the contrary. Given under my Hand and Seal at B. *the Day of In the Year of Our Lord And in the Year of His Majesty's Reign.*

By me W. G. *one of the Coroners of the County aforesaid.*

Constables to execute the Coroners Warrant.

And every Constable unto whom any such Warrant shall come, shall forthwith execute the same, and repair unto the Place at the Time therein mentioned, and make Return of the Warrant, with his Doings therein, unto the Coroner that granted the same.

Penalty for Default.

And every Constable failing of performing his Duty by such Warrant required of him, or returning the same as aforesaid, shall forfeit the Sum of *forty Shillings*. Also every Person summoned and warned to be a Juror, failing to appear accordingly, shall also forfeit the Sum of *forty Shillings*; without a reasonable Excuse for the same be made unto, and allowed of by the Coroner. The aforesaid several Fines or Forfeitures to be to and for the defreying of the Charges arising and hapning within the same County; and towards the defreying the necessary Charges of the Coroner and Jurors: To be recovered by Action, Bill, Plaint or Information therefore to be brought by the Coroner in any of his Majesty's Courts of Record.

Penalty for Jurors default.

Fines how to be applied.

And the Coroner shall swear fourteen, or more of the Jurors that appear; and give the Foreman (to be by him appointed) his Oath upon View of the Body, in this Form. *That is to say:*

Jurors Oath.

YOU shall diligently inquire, and true Presentment make, on the Behalf of our Sovereign Lord the King; how and in what Manner A.B. *here lying dead, came to his Death: And you shall deliver up to me his Majesty's Coroner, a true Verdict thereof, according to such Evidence as shall be given to you, and according to your Knowledge.* So help you GOD.

And then shall swear the rest of the Jurors, by three or four at once, in this Form, *viz.*

ALL such Oath as L. M. *the Foreman of this Inquest for his Part hath taken, you and every one of you shall well and truly observe and keep on your Parts.* So help you GOD.

Coroners Charge to the Jurors.

The Jury being sworn, the Coroner shall give them a Charge upon their Oaths, to declare of the Death of the Person; Whether he died of Felony, or by Mischance and Accident? And if of Felony, Whether of his own or of another's? And if by Mischance or Misfortune, Whether by the Act of God, or of Man? And if he died of another's Felony, Who were Principals, and who Accessaries? Who threatned him of his Life or Members? With what Instrument he was struck or wounded? And so of all prevailing Circumstances that can come by Presumption.

And if by Mischance or Accident, by the Act of God or Man, whether by hurt, fall, stroke, drowning or otherwise; to inquire of the Persons that were present, the Finders of the Body, his Relations or Neighbours; Whether he was kill'd in the same Place, or elsewhere? And if elsewhere, By whom, and how he was thence brought? And of all other Circumstances.

And if he died of his own Felony, then to inquire of the Manner, Means or Instrument; and Circumstances concurring.

Proclamation to be made.

After the Jury being charged, they must stand together, and let Proclamation be made for any that can give Evidence to draw near, and they shall be heard.

Warrant to be sent out for Witnesses.

And every Coroner is hereby further impowred, to send out his Warrant for Witnesses; commanding them to come to be examined before him, and to declare their Knowledge concerning the Matter in Question: And to administer an Oath unto the Witnesses in this Form. *That is to say:*

All

Witneſſes Oath.

ALL ſuch Evidence as you ſhall give to this Inqueſt, concerning the Death of A. B. here lying dead, ſhall be the Truth, the whole Truth, and nothing but the Truth. So help you GOD.

Witneſſes to be bound over.

The Examination of ſuch Witneſſes to be taken in writing under their Hands. And if they relate to the Trial of any Perſon concerning the Death of the Party found dead, then ſhall the Coroner bind over ſuch Witneſſes by Recognizance, in a reaſonable Sum; not leſs than *Twenty Pounds* a Piece, perſonally to appear at the next Aſſizes, or Court of Oyer and Terminer and Goal Delivery, to be holden within the ſame County; then and there to teſtify their Knowledge concerning the Death of the ſaid *A. B.*

And the Jury having viewed the Body, heard the Evidence, and made what Inquiry they can into the Manner and Cauſes of the Death of the Perſon, they ſhall draw up and deliver unto the Coroner their Verdict thereupon in writing, under their Seals, in Manner following; which ſhall paſs by Indenture interchangeably, betwixt the Coroner and the Jury. *That is to ſay:*

Inquiſition.

Suffolk ſſ. AN Inquiſition Indented, taken at *B.* within the ſaid County of *S.* the Day of in the Year of the Reign of Our Sovereign Lord by the Grace of God, of *England*, *Scotland*, *France* and *Ireland*, King, *Defender of the Faith*, &c. Before *T. E.* Gent. one of the Coroners of Our ſaid Lord the King, within the County of *S.* aforeſaid; upon view of the Body of *A. B.* of *B.* aforeſaid then and there being dead, by the Oaths of *I. W. R. W. H. P. T. A. S. B. I. K. L. S. E. H. R. G. P. D. C. M. S. O. G. B.* and *N. S.* good and lawful Men of *B.* aforeſaid within the County aforeſaid; who being charged and ſworn to inquire for Our ſaid Lord the King, when, and by what Means, and how the ſaid *A. B.* came to his Death. Upon their Oaths do ſay, &c.

Then inſert, How, Where, at what Time, by what Means, with what Inſtrument, and in what Manner, the Party was kill'd, or came by his Death.

And if it appear the Perſon to have been kill'd and murthered by another that is known, the Inquiſition muſt be concluded after this Manner, viz.

And ſo the Jurors aforeſaid, upon their Oaths aforeſaid, ſay, That the aforeſaid *R. S.* in Manner and Form aforeſaid, the aforeſaid *A. B.* then and there feloniouſly did Kill and Murder againſt the Peace of Our Sovereign Lord the King, his Crown and Dignity.

If it appear to be Self-Murder, the Inquiſition muſt conclude after this Manner, viz.

And ſo the Jurors aforeſaid ſay upon their Oaths, That the ſaid *A. B.* in Manner and Form aforeſaid, then and there voluntarily and feloniouſly, as a Felon of himſelf, did Kill and Murder himſelf, againſt the Peace of Our Sovereign Lord the King, his Crown and Dignity.

If it appear the Perſon to be ſlain by Misfortune, the Inquiſition muſt conclude after this Manner, viz.

And ſo the Jurors aforeſaid ſay upon their Oaths, That the aforeſaid *A. B.* in Manner and Form aforeſaid, was killed, or came to his Death by Misfortune.

If by the Hands or Means of any other Perſon; thus, viz.

The aforeſaid *R. F.* the aforeſaid *A. B.* by Misfortune and contrary to his Will, in Manner and Form aforeſaid, did kill and ſlay. In Witneſs whereof, as well I the Coroner aforeſaid, as the Jurors aforeſaid, to this Inquiſition have interchangeably put our Hands and Seals, the Day and Year aboveſaid.

And the Coroner ſhall make Return of all ſuch Inquiſitions taken before him, unto the Juſtices of Aſſize, Oyer and Terminer and Goal Delivery.

Also upon any Verdict found of the Death of a Person by the Felony or Misfortune of another, shall speedily inform one or more of the next Justices of the Peace thereof; to the Intent, that such Person killing, or being any ways Instrumental to the Death of another, may be apprehended, examined and secured in order to a Trial.

And be it further enacted by the Authority aforesaid, That over and above the Fee already allowed by Law, the Coroner shall be allowed the Sum of *ten Shillings per Diem* for his Travel and Expences, upon every Inquisition by him taken; and every Juror attending the said Service, shall be allowed *two Shillings per Diem*; which Allowances shall be paid out of the Estate of the dead Person, or by the Parent or Master where any Apprentice or Child, under Age shall happen to be kill'd: And in want thereof to be paid by the County Treasurer out of the Treasury of such County; upon Representation thereof made by the Coroner to the Quarter Sessions. Fees.

And every Coroner within the County for which he is appointed, shall be, and hereby is impowered to serve and execute all Writs and Processes directed unto him, against the Sheriff or Marshal of the same County: And to return Jurors *de Talibus Circumstantibus*, where Need shall be, to fill up the Jury or Juries, in all Causes wherein the Sheriff or Marshal is concerned; or related to either of the Parties in any Cause: And shall have the like Fee for serving of Writs in civil Causes, as is allowed by Law unto the Sheriff. Coroners to serve Writs, &c. 3 *G.* ca. 8. 12 *G.* ca. 4.

CHAP. VII.

An Act providing for Posthumus Children.

FORASMUCH as it often happens, that Children are not born till after the Death of their Fathers; and also have no Provision made for them in their Wills: Preamble.

Be it therefore enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That as often as any Child shall happen be born after the Death of the Father, without having any Provision made in his Will, every such Posthumus Child shall have Right and Interest in the Estate of his or her Father, in like Manner as if he had died Intestate; and the same shall accordingly be assigned and set out as the Law directs for the Distribution of the Estates of Intestates. Posthumus Children to have a Proportion, &c. See Resolve at the end of this Act.

And whereas through the Anguish of the deceased Testator; or through his sollicitous Intention though in Health; or through the Oversight of the Scribe, some of the Testator's Children are omitted, and not mentioned in the Will; many Children also being born after the making of the Will, though in the Life-time of their Parents:

Be it therefore enacted by the Authority aforesaid, That any Child or Children, not having a Legacy given them in the Will of their Father or Mother; every such Child shall have a Proportion of the Estate of their Parents given and set out unto them as the Law directs for the Distribution of the Estates of Intestates. And such as have no Legacy given them.

Provided, Such Child or Children have not had an equal Proportion of his Estate bestowed on them by the Father in his Life time.

And whereas it sometimes happens, that a Man having formerly made his Will, doth afterwards marry a Wife, and then dies; and the Will comes to be proved, to the Injury of such Wife:

In all such Cases the Widow shall have such Proportion of her late Husband's Estate assigned her, as if he had died Intestate; as the Law directs for the Distribution of the Estates of Intestates: Any Law, Usage or Custom to the contrary notwithstanding. Widows not to be prejudiced, by Wills made before Marriage.

Provided, That nothing in this Law shall extend to any Estate disposed of by Will, already settled.

[*At*

[*At a Great and General Court begun and held at* Boston *on the 28th Day of* May 1718. *A Question being moved upon the second Section or Paragraph in the Act* providing for Posthumus Children, *and such as have no Legacy given them by Will; made in the Twelfth Year of King* WILLIAM, *viz.* [*Whether the said Act doth as well extend to the Grand-Children, in Case of the Death of the Father or Mother, as to the Child himself, if living ?*]

Resolved in the Affirmative, and that the Law is so to be understood and practiced: Any Usage or Custom to the contrary notwithstanding.]

CHAP. VIII.

An Act in Addition to the Act for the equal Distribution of Insolvent Estates.

WHEREAS *in and by the Act Intitled,* An Act for the equal Distribution of Insolvent Estates, *made and pass'd in the eighth Year of his present Majesty's Reign: Amongst other Things therein contained;* It is enacted, " That every Judge of Probate of Wills and granting Administrations, within the respective Counties, be and thereby is fully authorized " and impowred to call before him, and to require and administer an Oath " unto any Person or Persons, probably suspected by any Executor or Administrator, to have concealed, imbezeled or conveyed away any of the Money, " Goods or Chattels left by the Testator or Intestate, for the discovery of the " same: And in Case any such suspected Person was betrusted by the Person " deceased, attended upon, or was otherwise conversant with or near unto him " in the time of Sickness, or left in Possession of the Estate, whereby to strengthen " and make the Suspicion more violent; and shall refuse to clear and acquit " him or her self upon Oath; it shall and may be lawful for, and the Judge is " impowred to commit such Person so refusing to Swear, unto the Goal of the " County; there to remain until he or she shall comply to discharge him or " herself upon Oath as aforesaid; or be released by Consent of the Executor or " Administrator. 8 *W.* ca. 2.

And whereas it has been observed, That sometimes Executors or Administrators have neglected their Duty, or been too favourable in not complaining of Persons of whom there has been just Suspicion of making Concealments, Imbezelments, or conveying away Part of the Estate belonging to their Testator or Intestate; whereby great Wrong and Injury has ensued:

For Remedy whereof:

All Persons interested may complain of Imbezelment.

Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That every Judge of Probate, be, and hereby is alike impowred, to call before him, and to require and administer an Oath unto any Person or Persons, probably suspected of making any Concealment, Imbezelment, or conveying away any of the Monies, Goods or Chattels, of any Person deceased; as well upon the Complaint of any Heir, Creditor, Legatary, or other Person having lawful Right or Claim to or in such Estate; as of the Executor or Administrator. And in Case the Party suspected (such Suspicion being strengthned, and made more violent for any of the Causes before mentioned) shall refuse to discharge him or her self upon Oath, then to proceed against them by Imprisonment, as the afore-recited Act directs.

Saving.

Saving to any Person aggrieved, the Liberty of an Appeal from any such Sentence, to the Governour and Council; the Appellant giving Security to prosecute such Appeal with Effect, in Manner as is by Law directed.

CHAP.

CHAP. IX.

An Act prohibiting the Exportation of Raw Hides, Upper-Leather, and Tann'd Calve-Skins, from out of this Province, other than for *England*.

Preamble.

WHEREAS the frequent shipping out of this Province, Raw Hides, Upper-Leather, and Tann'd Calve Skins for Holland *and other Places, hath been much to the Damage of this Province; not only by Reason of the choicest of the said Hides, and Upper-Leather going off, but the great Quantities; that many Times the Necessity of the Province cannot be supplied:*

To give Bond to Land in *England*.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That from henceforth no Raw Hides, Upper Leather, or tann'd Calve-Skins, be laden on Board any Ship or Vessel, before the Master give Bond to the Commissioner for Impost or Receiver for the Time being, to the Value of *Five Hundred Pounds*, with sufficient Surety; that the same shall be by the said Ship or Vessel carried for *England*, *Wales*, Port or Town of *Berwick* upon *Tweed*, and no other Place; and be there landed, and put on Shore; (the Danger of the Seas only excepted) and shall in eighteen Months Time return a Certificate of the same. And if any shall presume to lade on Board any Ship or Vessel, any Raw Hides, Upper-Leather, or tann'd Calve-Skins, before Bond be given as aforesaid, he shall forfeit the same; and the Master of the Vessel shall forfeit the Value of all such Raw Hides, Leather or tann'd Calve-Skins, that he shall know to be on Board such Vessel.

Hides otherwise laden to be forfeited.

Master knowing of it, to forfeit double the Value.

And if any Ship or Vessel, shall carry from out of this Province, any Raw Hides, Upper-Leather, or tann'd Calve-Skins, before Bond given as aforesaid, or any Seizure be made; every Master of such Vessel knowing thereof, shall forfeit and pay double the Value of the same; and the Shipper double the Value of what shall be so shipped.

Provided, That Information, Suit or Prosecution for the same, be had and made within the space of eighteen Months next after the Offence committed, and not afterwards.

The afore-mentioned several Forfeitures, to be recovered by Action, Bill, Plaint or Information, in any of His Majesty's Courts of Record within this Province; and to be employed and disposed of, one Half thereof for and towards the Support of His Majesty's Government within the same; and the other Half to him or them that shall inform and sue for the same.

And it shall and may be lawful to and for every Justice of the Peace, upon Information given of any Raw Hides, Upper-Leather, or tann'd Calve Skins, laden or put on Board any Ship or Vessel, and Bond not given as aforesaid; to issue out his Warrant under his Hand and Seal, directed to the Water Bailiff, or to the Sheriff, or his Deputy or Constable; requiring them respectively to make Seisure of any such Raw Hides, Upper-Leather, or tann'd Calve Skins, ship'd as aforesaid, and to secure them in order to Trial; who are hereby respectively impowered and required to execute such Warrant.

CHAP. X.

An Act for preventing Abuses to the *Indians*.

Additional Act, 4 G. ca. 5.

WHEREAS some of the principal and best disposed Indians *within this Province, have represented and complained of the Exactions and Oppression, which some of the* English *exercise towards the* Indians, *by drawing them to Consent to,*

Covenant or bind themselves or Children, Apprentices or Servants, for an unreasonable Term; on Pretence of, or to make Satisfaction for some small Debt contracted, or Damage done by them:

For Redress whereof:

No Indian to be put out Apprentice, but by the Allowance of two Justices.

Be it enacted and declared by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That from and after the Publication of this Act, no *Indian* shall contract or put or bind him or her self or Child, Apprentice or a Servant to any of His Majesty's Subjects, for any Time or Term of Years, but by and with the Allowance and Approbation of two or more of His Majesty's Justices of the Peace; who are required to take special Care that the Contract or Covenant so to be made, and the Condition or Terms thereof be equal and reasonable; both with respect to the Time for Service, and otherwise.

Sessions of the Peace, to hear and relieve such as are aggrieved.

And be it further enacted by the Authority aforesaid, That the Justices of the General Sessions of the Peace, within the respective Counties, be, and hereby are impowred, upon Complaint made by any *Indian* Native of this Country, that is or shall be aggrieved by Reason of any Indenture, Covenant or Agreement heretofore made for any Time or Term of Service, not yet expired; to hear and relieve such *Indian*, according to Justice and Equity; and to regulate and order the Time for such Service, as they shall judge reasonable.

CHAP. XI.

An Act in Addition to the Act for due Regulation of Weights and Measures.

4 W. & M. ca. 13. *4 A.* ca. 2.

FOR remedying of Unrighteousness and Oppression, in dealing by the use of Measures that are not of due Breadth for Meal, Fruits and other Things usually sold by Heap:

The width of Measures for Things sold by Heap.

Be it enacted by his Excellency the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That all Measures by which Meal, Fruits; and all other Things usually sold by Heap, shall be sold, be conformable as to Bigness to the declared publick allowed Standards; mentioned in the Act made and passed by the General Assembly, in the Year One Thousand six Hundred ninety two, Intitled, *An Act for due Regulation of Weights and Measures:* And shall be of the full Breadths following: *That is to say,* The Bushel not less within side, than eighteen Inches and Half wide: The half Bushel not less than thirteen Inches and three Quarters wide: The Peck not less than ten Inches and three Quarters wide; and the half Peck not less than nine Inches wide.

Penalty for selling by other Measures.

And if any Person at any Time from and after the first Day of *October*, next after the Publication of this Act; shall sell, expose to Sale, or offer any Meal, Fruits, or other Things usually sold by Heap; by any other Measure than is afore-mentioned, as to bigness and breadth; such Person being complained of, and convicted before any Justice of the Peace of so doing, shall forfeit and pay to the Use of the Poor of the Town where the Offence is committed, the full Value of the Meal, Fruits, or other Things so sold or offered to Sale: And such Justice may commit the Offender to Prison, until Payment be made of the said Forfeiture, or cause the same to be levied by Warrant of Distress, and paid in unto the Town Treasurer, or Overseers of the Poor; to the Use of the Poor as aforesaid; and shall also cause such Measure to be defaced: Any Law, Usage or Custom to the contrary in any wise notwithstanding.

ACTS

Acts and Laws,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and Held at *Boston*, on the twenty-ninth Day of *May*, 1700. And continued by several Prorogations until Wednesday the twelfth of *February* following, and then Sat.

CHAP. I.

An Act directing the Proceedings against forcible Entry and Detainer.

WHEREAS *in and by the Act Intitled*, An Act for the punishing of criminal Offenders: *Amongst other Things therein contained*; **It is declared,** "That every Justice of the Peace in the "County where the Offence is committed, be and is impowred "to make Inquiry of forcible Entry and Detainer, and cause the same to be "removed." 4 W & M. ca 5.

For the better directing of Justices in such their Proceedings:

Be it enacted and declared by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That upon Complaint made to any one or more Justices of the Peace of any wrongful and forcible Entry made into any Lands, Tenements or other Possessions, lying within the County where such Justice or Justices dwell or reside; or of any wrongful Detainer of any Lands, Tenements or other Possessions with Force and strong Hand; every such Justice or Justices within convenient Time, at the Costs of the Party grieved, shall go to the Place where the Force is, taking with him the Sheriff or his Deputy, and other sufficient Power of the Town or County at his Discretion, if need be, to aid him, and all the People of the County, as well the Sheriff as others shall be attending to the said Justice or Justices, and assist him or them to arrest such Offenders, upon pain of Imprisonment, and to make Fine to the King. Justices on Complaint made of forcible Entry, &c. to repair to the Place. Assistance to be given to Justices under a Penalty for Neglect.

And that two Justices *Quorum unus*, shall have Authority and Power to inquire by the Oaths of the People of the same County, as well of them that make such forcibly Entry into Lands, Tenements or other Possessions, as of them that hold the same with Force. And if it be found upon such Inquiry, that a forcible Entry is made into any Lands, Tenements or Possessions; or that the same are held with Force; then such Justices shall cause the same Lands, Tenements or Possessions to be reseized, and thereof the Party to be again put into Possession, who in such Sort was put out or holden out. Upon an Inquisition found, Restitution to be made.

And to the End that Inquiry be so made as aforesaid, such Justices shall make out their Warrants or Precepts, directed to the Sheriff of the same County, or his Deputy, commanding him on the King's Behalf to cause to come before them eighteen sufficient and indifferent Persons dwelling near unto the Lands or Tenements, so entred or held as before, whereof fourteen at least to be Impanelled, to inquire in this Behalf, each of whom to have Freehold Lands or Tenements of the yearly Value of *forty Shillings* at the least, who shall be Sworn by such Justices, well and truly to inquire of such forcible Entry, or forcible Detainer, and to return a true Verdict therein according to their Evidence; and if the Sheriff shall make Default in not duly executing of such Warrant or Precept to him directed, he shall be fined the Sum of *twenty Pounds* for every Default. And every Juror summoned by the Sheriff, making Default by his Non-appearance, shall pay a Fine of *twenty Shillings*: Every Justice to be paid *ten Shillings* per Diem, the Sheriff *six Shillings* per Diem, and every Juror *two Shillings* per Diem, upon every Inquiry to be made as aforesaid. A Jury to be impanelled and sworn. Penalty for Default in the Sheriff or Jurors. Allowance to Justices, &c.

Justice or Justices may fine the Offender, &c.

And be it further enacted by the Authority aforesaid, That any Justice or Justices as aforesaid, may impose a Fine upon every Offender committing such Force as aforesaid, not exceeding the Sum of *forty Shillings*; and bind them to the good Behaviour, and imprison such Offenders, till they pay such Fine, and find Sureties for the Behaviour, until the next Court of General Sessions of the Peace within the same County, and then to appear; and if the Offence be aggravated by any open and high handed Breach of the Peace, or otherwise, may bind the Offenders over to appear at the next General Sessions of the Peace, to answer for the same; who may increase the Fine, according to the Aggravation and Circumstances of the Offence.

Fines how to be applied.

All Fines arising by Virtue of this Act to be to and for the Use of the County, for defraying of County Charges. And the Party grieved shall recover treble Damages, and Costs of Suit by Action of Trespass against the Defendant or Defendants, if it be found by Verdict, or in any other Manner by due Form of Law; that they entred into his Lands or Tenements by Force, or after Entry did hold with Force: Any Law, Usage or Custom to the contrary in any wise notwithstanding.

A Proviso.

Provided always, That this Act shall not extend, or be construed to extend unto any Person or Persons that have had the Occupation, or have been in quiet Possession of any Lands, Tenements or Possessions by the space of three whole Years together next before; and his, her or their Estate or Estates therein not ended or determined.

CHAP. II.

An Act directing how Town-Officers shall be Sworn, in such Towns where no Justice of the Peace dwells.

Preamble.

WHEREAS the Law requires, that several Town Officers be under Oath for the true and faithful Discharge of their respective Offices and Trust, to be administred unto them by one of the next Justices of the Peace, &c. And for as much as there are many Towns in which no Justice of the Peace dwells, but are far remote; by Reason whereof, the Officers annually and from Time to Time chosen in such Towns, whom the Law requires to be under Oath, are necessitated to travel several Miles to be sworn; which Occasions great Charge, besides Difficulties and Inconveniencies to the Inhabitants of such Towns:

Wherefore, for the Ease of His Majesty's Subjects in that Regard:

Select-Men or the major part of them to Swear Town Officers, in Towns where no Justice dwelleth.

Be it enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and it is enacted by the Authority of the same, That in each Town within this Province where no Justice of the Peace dwells, the Select-Men of such Town for the Time being or the major Part of them, be, and are hereby authorized and impowred to administer to such Person, as from Time to Time shall be chosen Clerk of such Town; the Oath by Law appointed to be taken by each Town-Clerk, for the faithful Discharge of that Office; and to all other Officers of such Town, whom the Law requires to be Sworn, the Oath to their several and respective Places belonging, as by Law established.

A Record to be made thereof.

And such Select-Men shall cause a Record to be made in the Town Book of the Swearing of all such Officers: Any Law, Usage or Custom to the contrary in any wise notwithstanding.

CHAP. III.

An Act for Tolling Horses that are to be Exported.

FOR *the better preventing the stealing of Horses and Horse Kind, and clandestinely conveying them away:*

Be it declared and enacted by the Lieutenant Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That in every Sea-port Town within this Province, there be kept a Toll-Book by the Clerk of such Town, for the entring of all Horses and Horse Kind that shall be there ship'd for Exportation. Town Clerk to keep a Toll-book.

And no Person or Persons whatsoever, shall ship or send on board any Ship or other Vessel to be transported out of this Province, any Horse or Horse Kind, before he or they shall have presented and caused them to be viewed by the Town-Clerk of the Town where they are to be ship'd. And such Town-Clerk is hereby authorized and required to make a fair Entry in the Toll-Book of all such Horses and Horse Kind, with their Colour and Marks both natural and artificial, and Age as near as may be; and the Christian Name, Sir Name, Mystery and Place of dwelling; as well of the Person or Persons of whom the same were last bought, as of the present Owners or Shippers; and the Name of the Ship or Vessel, and of the Master or Commander thereof, whereon they are to be laden; and whither bound; and to deliver a Certificate under his Hand of such Entry by him made unto the Shipper, directed unto the Master of such Ship or Vessel by Name. For which Entry and Certificate, the Town Clerk shall demand and receive *six Pence* a Head for each Beast, and no more. No Horses to be ship'd before they be tolled. Fee.

And be it further enacted by the Authority aforesaid, That if any Person shall presume to ship off any Horse or Horse Kind, not being first entred as aforesaid: or if the Master or Commander of any Ship or Vessel shall receive, take or suffer to be received or taken any Horse or Horse Kind, on board the Ship or Vessel then under his Command, without such Certificate as aforesaid; or other than what agree with the Description therein given; every Shipper or Master so offending, shall forfeit and pay the Sum of *ten Pounds*; one Moiety thereof to be unto the Use of the Poor of such Town where the Offence is committed, and the other Moiety to him or them that shall inform and sue for the same, by Action, Bill, Plaint or Information in any of His Majesty's Courts within this Province: Any Law, Usage or Custom to the contrary notwithstanding. Penalty for shipping off or receiving on board Horses before tolled.

And the Town Clerk in each Sea-port Town, is in particular to take Care to the due observance of this Act, and to inform of all Transgressions thereof. Town Clerk to see that this Act be observed.

CHAP. IV.

An Act against the making or passing of Base or Counterfeit Money.

WHEREAS *some Persons for private Gain, have of late presumed to stamp and emit Pieces of* Brass *and* Tin, *at the Rate of a* Penny *each; not regarding what Loss they thereby bring on others; which if not timely remedied, may prove greatly detrimental to His Majesty's Subjects, and embolden others to be so hardy as to attempt the doing of the like:* 2 *A.* ca. 1.

For Prevention whereof:

Be it declared and enacted by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That any Person or Persons who after the Publication of this

Penalty for making ſtamping or uttering counterfeit Money.

this Act, ſhall preſume to make or ſtamp any ſuch Pieces as aforeſaid, or others of like or different Metal, Matter or Form; and to emit, utter or put off the ſame for *Pence*; or at a greater or leſſer Value; and be thereof convicted: every Perſon ſo offending, ſhall be puniſhed by Fine and Impriſonment, at the Diſcretion of the Court where the Proſecution ſhall be, not exceeding the Sum of *fifty Pounds* Fine, nor ſix Months Impriſonment for one Offence: And ſhall further forfeit and pay in currant lawful Money of this Province, treble the Value of all ſuch Pieces as he ſhall have emitted or uttered, after the higheſt Rate they have paſſed at; one Half of the ſaid Fine and Forfeiture to be unto His Majeſty, for and towards the Support of the Government within this Province, and the other Half to him or them that ſhall inform and ſue for the ſame in any of His Majeſty's Courts, within the Province.

Reſtitution to be made.

And be it further enacted by the Authority aforeſaid, That every Perſon or Perſons that have or ſhall offend as aforeſaid, ſhall exchange and pay in currant lawful Money of this Province the full Value of all ſuch Pieces having his Stamp or Mark thereon, unto any Perſon or Perſons that ſhall bring the ſame to him, according to the Rate they have paſſed at; ſo as ſuch Pieces be brought and offered to him to be exchanged at any Time or Times within the ſpace of three Months next after the Publication of this Act. And in Caſe of refuſal ſo to do, he ſhall be compelled thereto by Order of the General Seſſions of the Peace within the ſame County; or of one Juſtice of the Peace, where the Value exceeds not *forty Shillings*.

And no Perſon or Perſons whatſoever ſhall hereafter offer to put off, utter or take any ſuch baſe or counterfeit Money.

CHAP. V.

An Act relating to the Proſecution of Appeals.

13 *W.* c 14. *WHEREAS it has been too often practiſed, that Perſons having Judgment entred up againſt them in the Inferiour Court of Common Pleas, do Claim the Liberty of the Law to Appeal from ſuch Judgment unto the next Superiour Court of Judicature, Court of Aſſize and General Goal Delivery, to be holden for or within the ſame County; and after their Appeal admitted, neglect to give Security for Proſecution thereof as the Law requires: or after Security given, fail of proſecuting their Appeal: whereby it is very obvious they deſigned nothing more than to ſtop Execution, and to delay and hold out the adverſe Party from his juſt Debt or Damages recovered by ſuch Judgment, to his grievous Hurt:*

For Redreſs whereof:

Security for Appeal to be given in or out of Court within ſeven Days after Judgment.

Be it declared and enacted by the Lieutenant Governour, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame, That every Perſon appealing from the Judgment of any Inferiour Court of Common Pleas, unto the Superiour Court of Judicature, Court of Aſſize and General Goal Delivery, ſhall enter into Recognizance with ſufficient Sureties to proſecute ſuch Appeal with Effect; which Recognizance is to be taken before ſuch Inferiour Court whilſt ſitting; or before one or more of the Juſtices of the ſame, with the Clerk out of Court, within the ſpace of ſeven Days next after Judgment given, and not afterwards. And if any Perſon claiming and being admitted to Appeal as aforeſaid, ſhall not give Security for Proſecution thereof in Manner aforeſaid, either before or within the ſaid ſpace of ſeven Days next after Judgment given; every Claim and Allowance of ſuch Appeal ſhall be utterly null and void, as if the ſame had never been made and granted;

On failure Execution to be granted.

And in ſuch Caſe after Expiration of the ſaid ſeven Days, the Clerk of ſuch Inferiour Court, upon Demand of the Party for whom the Judgment was given, or of his Attorney, ſhall *ex Officio* make and iſſue out Execution thereupon.

And

And be it further enacted by the Authority aforesaid, That if any Person having appealed and given Security for Prosecution thereof as aforesaid, shall neglect to prosecute the same with Effect in Manner as the Law provides, the Party that obtained the Judgment in the Inferiour Court of Common Pleas, entring his Complaint in the Superiour Court of Judicature, Court of Assize and General Goal Delivery, to which such Appeal did lie, and producing attested Copies of the Judgment, Appeal and Recognizance given for Prosecution thereof, the Justices of the said Superiour Court of Judicature, Court of Assize and General Goal Delivery, shall affirm such Judgment of the Inferiour Court of Common Pleas, with the Costs arising upon the Suit there; and grant further Costs for entring and prosecuting the Complaint as aforesaid, and award Execution accordingly. The Fee to be paid for entring of such Complaint, shall be the same as for entry of an Action; and the Parties Attendance and Charges the same as the Law allows in like Cases.

Judgment to be affirmed, and Execution awarded by the Superiour Court upon Non-Prosecution of Appeal.

And the like Process and Methods shall be had and observed in the Inferiour Court of Common Pleas, for Persons that shall fail to prosecute Appeals made from Judgments given upon Trials before a Justice of the Peace: Any Law, Usage or Custom to the contrary in any wise notwithstanding.

Inferiour Courts to observe the like Methods.

And be it further enacted by the Authority aforesaid, That all Recognizances given for prosecuting of Appeals as aforesaid, shall remain good for the Benefit of the Parties respectively for whom they were taken, to bring a Suit thereon, to recover all intervening Damages occasioned by such Parties being delayed from the Time of rendring the first Judgment unto the Time when such Appeal should have been tried: And the Sureties in such Recognizance named, shall be liable and obliged to satisfy the Judgment given for such intervening Damages, with the additional Costs of Suit, in Case of the Principals Avoidance and Return made of *Non est inventus*, upon the Execution granted against him: And the Judgment for the same shall be affirmed against such Sureties, and Execution be awarded accordingly; as is by Law provided referring to Sureties upon mean Process.

Sureties upon Appeals to answer intervening Damages and Cost, in Case.

Provided, That such Sureties be served with a Writ of *Scire Facias* within twelve Months next after rendring of Judgment upon the Trial on such Recognizance; and not afterwards.

Proviso.

CHAP. VI.

An Act for the better making and measuring of Malt.

Be it declared and enacted by the Lieutenant Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That from and after the Publication of this Act, no Malster or Malt-maker, shall deliver, vend or pass away any Malt by him made or caused to be made, before the same be well dried and cleansed, by screening of it from the Dust and Taile which arises in the making, drying and ordering of it in his Hands; on pain of forfeiting *twelve Pence* per Bushel, for each Bushel by him delivered, sold or passed away, not being so cleansed and dried; upon Conviction thereof before one or more Justices of the Peace, where the Forfeiture shall not exceed the Sum of *forty Shillings*; or if above, before the General Sessions of the Peace holden within the County: One Moiety of such Forfeiture to be unto the Use of the Poor of the Town where the Offence is committed; and the other Moiety to him or them that shall complain or inform and sue for the same. And such Court or Justice respectively, are hereby impowred, in Case such Malster shall stand to justify that his Malt is well dried and cleansed as aforesaid, to nominate and appoint three or more credible skilful Persons, to view and judge thereof upon their Oaths; and to administer an Oath to them to be indifferent and impartial therein.

Malt to be well dried and cleansed.

Penalty.

To be viewed and judged of by Persons on Oath.

And

Merchantable Malt.

And no Malt made of Barley shall be accounted Merchantable, but such as shall be well cleansed from the Dust, Oats, Tares and Cockle.

Penalty for offering to Sale unmerchantable Malt.

And every Person that shall offer and expose to Sale any Barley Malt for Merchantable, not being cleansed as aforesaid, shall forfeit and pay the Sum of *twelve Pence* a Bushel, for each Bushel so offered or exposed to Sale; being thereof convicted in Manner as is herein before provided, to be applied to the Use before-mentioned.

Masters of Vessels to take care to keep Merchantable, and unmerchantable Malt separate.

And further it is enacted, That every Master of any Vessel that shall receive on Board his Vessel any Malt to be transported to a Market, shall take effectual Care, and make sufficient Provision for the keeping of Merchantable Malt separate and apart by it self, that it be not intermixt with what is Unmerchantable; on pain of loling and forfeiting the Value of all the Freight to be paid for the Malt so mixed; to the Use of the Poor of the Town where such Malt shall be delivered, upon Conviction thereof as aforesaid: And shall be further liable to make good to the Shipper or Owner of all such Merchantable Malt mixt as aforesaid, all Loss and Damage that he shall sustain thereby: to be recovered by Action, therefore to be brought in any of His Majesty's Courts within this Province; and where the Sum exceeds not the Value of *forty Shillings*, before one Justice of the Peace.

Malt how to be measured.

And be it further enacted by the Authority aforesaid, That in the measuring of Malt, the Strike shall be carried softly and sawing: Any Law, Usage or Custom to the contrary notwithstanding.

CHAP. VII.

An Act providing, That in Suits where Goods or other Estate is Attached, the Defendant be summoned.

TO the Intent that all Persons may have due Notice to prepare and make their Defence, in every Action or Suit commenced against them:

Summons to be left at the Defendants Place of usual Abode, &c.

Be it enacted by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That when the Goods or Estate of any Person shall be attached, at the Suit of another in any civil Action, a Summons in Form as by Law is prescribed, shall be delivered to the Party whose Goods or Estate are attached, or left at his or her dwelling House, or Place of last and usual Abode, fourteen Days before the Day of the sitting of the Court where such Attachment is returnable. And in Case the Defendant was at no Time an Inhabitant or Sojourner within this Province, then such Summons to be left with his or her Tenant, Agent or Attorney; and the serving thereof to be certified by a sworn Officer that executed the Attachment; or by Affidavit made in Court by the Person that delivered the same, and by one other credible Witness then also present: otherwise the Writ shall abate.

How to be certified.

How to be served upon Writ of Dower, or *Scire Facias*.

And upon Suits brought hither by Writ of *Scire Facias*, or Writ of Dower, when the Defendant in any such Suit shall not be served therewith in his own Person, an attested Copy of the Writ, and of the Service thereof under the Hand of the Sheriff or his Deputy that executed the same, shall be left at the House or Place of usual Abode of the Defendant. And in Case such Defendant was at no Time an Inhabitant or Sojourner within this Province, then with his or her Tenant, Agent or Attorney as aforesaid, by the like Number of Days before the Day of the Court's Sitting where such Writ is returnable, as is required for the Service thereof. And in Writ of Dower a Copy thereof with the Service alike attested as before, shall also be left with the Tenant or Occupant of the House or Land whereof Dower is demanded to be rendred, or in or upon the same; and the Sheriff or his Deputy shall certify the same in his Return: or otherwise the Writ shall abate.

And

And further it is enacted by the Authority aforesaid, Then when it happens the Party against whom Suit is brought, not to be an Inhabitant or Sojourner within this Province; or to be absent out of the same at the Time of commencing such Suit, and shall not return before the Time for Trial, the Justices of the Court where such Suit is brought, shall continue the Action to the next Court: And if the Defendant do not then appear by himself or Attorney, and be so remote, that the Notice of such Suit depending could not probably be conveyed to him during the Vacancy; the Justices at such next Court, may further continue the Action to the Court thence next following, and no longer. And in such Cases where Judgment is entred up by Default, after two Continuances as aforesaid, Execution or Writ of Seisin shall be stayed, and not issue forth until the Plaintiff or Demandant shall have given Bond, with one or more sufficient Sureties; in double the Value of the Estate or Sum recovered by such Judgment, to make Restitution, and to refund and pay back such Sum as shall be given in Debt or Dammage; or so much as shall be recovered upon a Suit therefore to be brought within twelve Months next after entring up of the first Judgment; if upon such Suit the Judgment shall be reversed, annulled or altered. The Security aforesaid to be no further answerable than for the Recovery that shall be made upon such Suit, to be had within twelve Months as aforesaid.

Provision in Actions brot against Persons out of the Province.

Security to be given before Execution.

Real Estates taken in Execution, not to be alienated within twelve Months.

Provided also, That no real Estate taken in Execution, granted upon such first Judgment, shall be alienated or pass'd away until after the Expiration of the said twelve Months, or after a new Trial brought within the said Space of twelve Months; to the Intent that Restitution thereof may be made in Case as aforesaid.

Proviso for Real Estate.

CHAP. VIII.

An Act for rendring an Account of Fines, &c.

WHEREAS by the Act Entitled, An Act for passing of Sheriff's Accounts; *amongst other Things therein contained;* **It is enacted,** "That every "Clerk of the Peace in each County within this Province, and Clerk of Assize, "shall deliver unto the Sheriff of the County, a perfect Estreat of all Fines, "Issues, Amerciaments, Recognizanzes, Monies and Forfeitures imposed, set, "lost or forfeited in any Sessions of the Peace, Court of Assize and General "Goal Delivery, or special Court of Oyer and Terminer, by any Person due "to His Majesty, within the space of thirty Days next after ending of the "said Courts respectively; and within the said Time shall deliver unto the "Treasurer and Receiver General of this Province, a perfect Schedule of all "such Estreats by him delivered to the Sheriff, &c. *But for as much as no Provision has hitherto been made, how Fines or Forfeitures accruing to any County or Town (or the Poor thereof) or how Fines or Forfeitures set by one or more Justices out of Court shall be accounted for:* 5 *W. & M.* ca. 7.

Be it therefore enacted and declared by the Lieutenant Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That all Clerks of the Peace and Clerks of Assize, be, and hereby are likewise respectively enjoyned and required, within the space of thirty Days next after the ending of each Sessions of the Peace, Court of Assize and General Goal Delivery, or special Court of Oyer and Terminer, to render and deliver unto the Treasurer of each County and Town respectively, a perfect Schedule or Account of all Fines, Amerciaments, Monies and Forfeitures, imposed, set or forfeited in such Court, and by Law appropriated to the Use of such County or Town, (or the Poor thereof) respectively; under the like Penalty, as in the afore-recited Act is express'd for not returning such Schedule to the Treasurer and Receiver General.

Clerks of Courts to return an Account of Fines, to County and Town Treasurers.

Justices of the Peace to render an Account of Fines &c. each six Months, under a Penalty.

And further be it enacted by the Authority aforesaid, That all and every Justice and Justices of the Peace, at the End of every six Months, shall render and deliver to the Treasurer and Receiver General of this Province for the Time being, County and Town Treasurer respectively, a perfect Schedule or Account of all Fines, Amerciaments, Monies and Forfeitures, imposed, set or forfeited before such Justice or Justices out of Court, due to His Majesty; or by Law or Town-Order particularly applied to the Use of such County or Town (or the Poor thereof) respectively; on pain of forfeiting the Sum of *five Pounds* to His Majesty, towards Support of the Government; or to such County or Town respectively, for the defreying of County or Town Charges: Being duly convicted of neglect therein, to be sued for and recovered by the Treasurer and Receiver General of the Province, or such County or Town Treasurer for the Time being: Any Law, Usage or Custom to the contrary in any wise notwithstanding.

CHAP. IX.

An Act for the convenient and speedy Assignment of Dower.

FORASMUCH as some Direction in the Law is necessary that Women may be enabled to come by their Dower:

Be it enacted by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That when and so often as the Heir or other Person having the Freehold shall not within one Month next after Demand made, assign and set out to the Widow of the Deceased, her Dower or just third Part of and in all Houses, Lands, Tenements or Hereditaments whereof she is Dowable at the common Law, to her Satisfaction according to the true Intendment of Law; then such Widow may sue for and recover the same by Writ of Dower to be therefore brought against such Persons as have, or claim to have Right as aforesaid in the said Estate, in Manner and Form following. *That is to say:*

Heir, &c. to render Dower within one Month next after Demand.

S------*ss.* *William* the Third, by the Grace of GOD, of *England*, *Scotland*, *France* and *Ireland*, KING, Defender of the Faith, &c. To the Sheriff of Our County of *S.* his Under-Sheriff or Deputy, *Greeting*. Command *A. B.* of *B.* within the said County addition That instantly without delay render to *C. D.* who was the Wife of *E. D.* late of *B.* aforesaid addition deceased, her reasonable Dower which happens to her of a certain Messuage or Tenement, with the Appurtenances, Situate in *B.* aforesaid, in the Possession of the said *A. B.* which was in the Seisin and Possession of her said Husband *E.D.* and whereof he was seized in his Demesne as of Fee during the Coverture; and whereof she hath nothing (as she saith) And the said *C. D.* complains, that the said *A. B.* hath deforced her thereof. And unless the said *A. B.* shall so do, then Summon by good and lawful Men in your Bailywick the said *A. B.* that be before Our Justices of Our next Inferiour Court of Common Pleas to be holden at *B.* for the County of *S.* aforesaid, on the *Tuesday* of Then and there to shew Cause, why to the said *C. D.* her reasonable Dower as aforesaid doth not render. And have you the Names of them by whom you Summon the said *A. B.* and this Writ. Witness *E. H.* Esq; at *B.* the Day of In the Year of Our Reign. *Annoque Domini*, *A. D.* Clerk.

Writ of Dower.

And be it further enacted by the Authority aforesaid, That upon Judgment being given for any Woman to recover her Dower in any Estate of Housing and Lands, and other Hereditaments which were her Husband's, reasonable Dammage shall also be assigned to her from the Time of the Demand made, and a Writ of Seisin shall be directed to the Sheriff of the County, or his Deputy, where such Lands, Tenements or Hereditaments do lie, in Manner and Form following. *That is to say:*

S——*ss.*

Writ of Seisin, &c.

S------S. *William* the Third, by the Grace of GOD, of *England*, *Scotland*, *France* and *Ireland*, KING, Defender of the Faith, &c. To the Sheriff of Our County of *S.* his Under-Sheriff or Deputy: *Greeting.* Whereas *C. D.* Widow, who was the Wife of *E. D.* late of *B.* in the County aforesaid addition deceased, before Our Justices of Our Court of holden at *B.* for Our County aforesaid, on the Day of now last past, did recover her Seisin against *A. B.* of *B.* aforesaid addition of one third Part of a certain Messuage or Tenement, &c. with the Appurtenances, Situate in *B.* aforesaid, in the Possession of the said *A. B.* as her Dower of the Endowment of the said *E. D.* her certain Husband, by Our Writ of Dower, whereof she hath nothing. Therefore We Command you, That to the said *C. D.* full Seisin of one third Part of the aforesaid Messuage or Tenement, &c. with the Appurtenances, you cause to be had without delay. To hold to her in severalty by Meets and Bounds. We Command you also, That of the Goods or Chattels of the said *A. B.* within your Precinct, you cause to be paid and satisfied unto the said *C. D.* at the Value thereof in Money, the Sum of for Dammages awarded her by Our said Court for her being held and kept out of her Dower aforesaid, and Costs expended on this Suit, with *two Shillings* more for this Writ, and thereof also to satisfy your self your own Fees. And for want of Goods or Chattels of the said *A. B*'s, to be by him shewn unto you, or found within your Precinct to satisfy the same, We Command you to take his Body, and commit him to the Keeper of Our Goal in *B.* in Our County aforesaid within the said Prison. Whom We likewise Command to receive the said *A. B.* and him safely to keep, until he pay unto the said *C. D.* the full Sum above mentioned, and also satisfy your Fees. Hereof fail not, and make return of this Writ, and how you shall have executed the same to Our next Court of to be holden at *B.* for Our said County of *S.* on the Day of next. Witness *E. H.* Esq; at *B.* the Day of In the Year of Our Reign. *Annoque Domini*, *A. D.* Clerk.

To run only for Seisin and Cost, where Damages are not awarded.

And where no Dammages shall be awarded the Writ to run only for Seisin and Cost of Suit.

Dower to be set forth by five Freeholders of the Neighbourhood upon Oath.

And the Sheriff of the County, or his Deputy to whom such Writ is directed is to cause her third Part of Dower in such Estate to be set forth unto her by five Freeholders of the Neighbourhood upon their Oaths (three at least to agree) who shall be Sworn before a Justice of the Peace, to set forth the same equally and impartially without Favour or Affection, as convenient as may be; Which Oath every Justice of the Peace is hereby impowred to administer.

Of intire Inheritance that cannot be divided, a third Part of the Rents or Profits to be assigned.

And be it further enacted by the Authority aforesaid, That of Inheritances that be intire, where no Division can be made by Meets and Bounds; so as a Woman cannot be endowed of the Thing it self, she shall be endowed thereof in a special and certain Manner, as of a third Part of the Rents, Issues or Profits thereof, to be computed and ascertained in Manner as aforesaid.

No Strip or Waste to be made.

And no Woman that shall be endowed of any Lands, Tenements or other Inheritances as aforesaid, shall commit or suffer any Strip or Waste thereupon, but shall maintain the Houses or Tenements, with the Fences and Appurtenances thereof, with which she shall be so endowed, in good Repair during her Term, and leave the same so at the Expiration thereof, and shall be liable to Action for any Strip or Waste by her done, committed or suffered.

No Dammages to be awarded, when Judgment is given by Default.

And be it further enacted by the Authority aforesaid, That when the Defendant in a Writ of Dower shall suffer Judgment to pass against him by Default, no Dammages shall be awarded against him by such Judgment, for having held and kept the Demandant out of her Dower, but she shall recover the same in like Manner as she might sue for or recover Dammages in other Cases: Any Law, Usage or Custom to the contrary in any wise notwithstanding.

CHAP. X.

An Act directing the Admission of Town Inhabitants.

FOR the better preventing of Persons obtruding themselves on any particular Town within this Province, without orderly Admission by the Inhabitants of such Town, or the Select-Men thereof, in Manner as hereafter is expres'd: And for remedying the manifold Inconveniencies and great Charge heretofore occasioned thereby. To the Intent also that the Select-Men may the more easily come to the certain Knowledge of Persons, and their Circumstances, that come to reside and sojourn in such Town:

Masters of Ships to give a List of all Passengers to the Receiver of Impost under a Penalty.

Be it enacted by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That every Master of Ship or other Vessel arriving in any Port within this Province, from any other Country, Land, Island, Colony or Plantation, at the Time of entring his Ship or Vessel with the Receiver of Impost, for the Time being; shall deliver to such Receiver a perfect List or Certificate under his Hand, of the Christian and Sir-Names of all Passengers, as well Servants as others, brought in such Ship or Vessel, and their Circumstances so far as he knows; on pain of forfeiting the Sum of *five Pounds*, to the Use of the Poor of the Town or Place where such Passenger shall be landed or sent on Shoar, for every Passenger that he shall omit to enter his or her Name in such List or Certificate; upon Conviction thereof before His Majesty's Justices in the Court of General Sessions of the Peace, within the same County where the Offence is committed. And every Justice of the Peace is hereby impowred, upon Complaint made by the Select-Men of such Town, or some of them, to convent such Master before him, and to require and take sufficient Security of him to appear and Answer for his said Offence in Manner as aboveſaid; such Complainants also giving Bond to prosecute their Complaint.

Justices impowred to convent and bind over Masters that shall neglect so to do.

Security to be given to indemnify the Town from Charge, &c.

And further it is enacted, That when it shall happen any Passenger so brought, to be Impotent, Lame, or otherwise Infirm, or likely to be a Charge to the Place; if such Person shall refuse to give Security, or cannot procure sufficient Surety or Sureties to become bound for his saving the Town from such Charge; in such Case, the Master of the Ship or Vessel in which such Person came, shall be, and hereby is obliged and required, to carry or send him or her out of this Province again, within the space of two Months next after their Arrival; or otherwise to give sufficient Security as aforesaid, to indemnify and keep the Town free from all Charge for the Relief and Support of such Impotent, Lame or infirm Person, upon Demand thereof made by the Select-Men: unless such Person was before an Inhabitant of this Province; or that such Impotence, Lameness, or other Infirmity befel or hapned to him or her during the Passage: And in such Case, if they be Servants, their Masters shall provide for them, and others shall be relieved at the Charge of the Province.

11 *G.* ca. 2.

What Persons shall be relieved at the Charge of the Province.

Court of General Sessions of the Peace, to enjoin the observance of this Law.

And the Justices of the General Sessions of the Peace, are hereby impowred to enjoyn and order the Performance of what is herein before required of such Master accordingly.

Receiver of Impost to transmit Lists of Passengers to the Town Clerk.

And the Receiver of Impost is likewise required to inform and notify all Masters of Ships, and other Vessels coming to him to enter, of the Import of this Act, and what is thereby enjoined and required of them; and not to admit an Entry without such List or Certificate, of the Names of the Passengers (if any) or that the Master give under his Hand that he brought none. And every such Receiver shall forthwith transmit all Lists or Certificates of Passengers, to the Town Clerk of such Town where the Ship or Vessel that brought them shall lie, that the Select-Men may have Knowledge of the same. And such Town Clerk is hereby required to lay all such Lists or Certificates returned to him, before the Select-Men at their next Meeting.

And

And be it further enacted by the Authority aforesaid, That from and after the Publication of this Act, no Person whatsoever coming to reside or dwell within any Town in this Province (other than Freeholders or Proprietors of Land in such Town, or those born, or that have served an Apprenticeship there, and have not removed and become Inhabitants elsewhere) shall be admitted to the Privilege of Elections in such Town, (though otherwise qualified) unless such Person shall first make known his Desire to the Select-Men thereof, and obtain their Approbation, or the Approbation of the Town for his dwelling there.

Persons not orderly admitted into Towns, shall not enjoy Privilege of Elections. 4 *W. & M.* ca. 12.

Nor shall any Town be obliged to be at Charge for the Relief and Support of any Person residing in such Town (in Case he or she stand in Need) that are not approved as aforesaid; unless such Person or Persons have continued their Residence there by the space of twelve Months next before, and have not been warned in Manner as the Law directs, to depart and leave the Town: Any Law, Usage or Custom to the contrary notwithstanding.

No Town obliged to be at Charge for Relief of Persons, not approved as aforesaid; unless, &c.

And if any Person orderly warned to depart from any Town whereof he or she is not an Inhabitant, and being sent by Warrant from a Justice of Peace unto the Town whereto such Person properly belongs, or to the Place of his or her last Abode, shall presume to return back, and obtrude him or her self upon the Town so sent from, by residing there; every Person so offending, shall be proceeded against as a Vagabond.

Persons orderly warned, and sent out of any Town, returning back, to be proceeded with as Vagabonds.

Acts and Laws,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and Held at *Boston* upon Wednesday the twenty-eighth of *May* 1701.

CHAP. XI.

An Act prescribing Forms of Writs in Civil Causes.

Be it enacted by the Lieutenant Governour, Council and Representatives, in General Court assembled, and it is enacted by the Authority of the same, That all Civil Actions other than such as are Cognizable before a Justice of the Peace, shall be originally heard and tried in an Inferiour Court of Common Pleas; except in Suits where the King is concerned, which may be brought in any of His Majesty's Courts within this Province, at the Pleasure of the Prosecutor. And the proper original Process of Summons, Capias or Attachment, and the Writ of Execution in civil Actions betwixt Party and Party, shall be made out in the Forms following: *That is to say:*

Summons.

S------ss. WILLIAM the Third, by the Grace of GOD, of *England, Scotland, France* and *Ireland*, KING, Defender of the Faith, *&c.* To the Sheriff or Marshal of Our County of *S.* his Under-Sheriff or Deputy, *Greeting.* We Command you, That you Summon *A. B.* of *C.* addition (if he may be found in your Precinct) to appear before Our Justices of Our Court of to be holden at *B.* within and for Our said County of *S.* on the *Tuesday* of Then and there in Our said Court to Answer to *D. E.* of *R.* within Our County of *M.* addition in a Plea of To the Damage of the said *D. E.* (as he saith) The Sum of Pounds: Which shall then and there be made to appear with other due Damages. And have you there this Writ with your Doings therein. Witness *E. H.* Esq; at *B.* the Day of In the Year of Our Reign. *Annoque Domini*, *A. D.* Clerk,

Capias

Capias or Attachment.

S.------*ff.* WILLIAM the Third by the Grace of GOD of *England*, *Scotland*, *France* and *Ireland*, KING, Defender of the Faith, *&c.* To the Sheriff or Marshal of Our County of *S.* his Under-Sheriff or Deputy, *Greeting*. We Command you to Attach the Goods or Estate of *R. F.* of *B.* within Our County of *S.* addition to the Value of Pounds; and for want thereof to take the Body of the said *R. F.* (if he may be found in your Precinct) and him safely keep, so that you have him before Our Justices of Our Court of next, to be holden at *B.* within and for Our said County of *S.* on the *Tuesday* of Then and there in Our said Court to Answer unto *D. S.* of *R.* within Our County of *M.* addition in a Plea of To the Dammage of the said *D. S.* (as he saith) the Sum of Pounds: Which shall then and there be made to appear, with other due Dammages. And have you there this Writ with your Doings therein. Witness *E. H.* Esq; at *B.* the Day of In the Year of Our Reign. *Annoque Domini*,

A. D. Clerk.

Summons when Goods are Attached.

S.------*ff.* WILLIAM the Third by the Grace of GOD of *England*, *Scotland*, *France*, and *Ireland*, KING, Defender of the Faith, *&c.* To *A. B.* of *B.* within Our County of *S.* addition *Greeting*. We Command you, That you Appear at Our next Court of to be holden at *B.* within and for Our County of *S.* aforesaid, on the *Tuesday* of Then and there to Answer to *C. D.* of *R.* within Our County of *M.* addition in a Plea of Which Plea the said *C. D.* hath Commenced against you to be heard and tried at the said Court; and your Goods or Estate are Attached to the Value of Pounds for Security to satisfy the Judgment which the said *C. D.* may recover upon the aforesaid Trial. Fail not of Appearance at your Peril. Witness *E. H.* Esq; at *B.* the Day of In the Year of Our Reign. *Annoque Domini*,

A. D. Clerk.

Execution.

S.------*ff.* WILLIAM the Third by the Grace of GOD, of *England*, *Scotland*, *France* and *Ireland*, KING, Defender of the Faith, *&c.* To the Sheriff or Marshal of Our County of *S.* his Under-Sheriff or Deputy, *Greeting*. Whereas *C. L.* of *R.* within Our County of *S.* addition by the Consideration of Our Justices of Our Court of holden at *B.* for and within Our County of *S.* aforesaid, on the *Tuesday* of Recovered Judgment against *D. T.* of *B.* in the County of *M.* addition for the Sum of *Pounds* *Shillings* and *Pence*, Debt or Dammage, and *Pounds* *Shillings* and *Pence*, Costs of Suit; as to Us appears of Record; whereof Execution remains to be done. We Command you therefore, That of the Goods, Chattels, or Lands of the said *D. T.* within your Precinct, you cause to be paid and satisfied unto the said *C. L.* at the Value thereof in Money, the aforesaid Sums being *Pounds* *Shillings* and *Pence*, in the whole; with *two Shillings* more for this Writ, and thereof also to satisfy your self for your own Fees. And for want of Goods, Chattels or Lands of the said *D. T.*'s to be by him shewn unto you, or found within your Precinct to the Acceptance of the said *C. L.* to satisfy the Sums aforesaid: We Command you to take the Body of the said *D. T.* and him commit unto our Goal in *B.* in Our County of *S.* aforesaid; and detain in your Custody within Our said Goal, until he pay the full Sums above-mentioned with your Fees, or that he be discharged by the said *C. L.* the Creditor, or otherwise by Order of Law. Hereof fail not, and make Return of this Writ with your Doings

Doings therein into Our ſaid Court of to be holden at *B.* within Our County of *S.* aforeſaid, upon the *Tueſday* of next. Witneſs *E. H.* Eſq; at *B.* the Day of In the Year of Our Reign. *Annoque Domini*, *A. D.* Clerk.

And be it further enacted by the Authority aforeſaid, That all Proceſſes and Writs, as well Original as Judicial, iſſuing out of the Clerk's Office of the Superiour Court of Judicature ſhall bear Teſte of the Chief Juſtice, and upon any Vacancy of ſuch Chief Juſtice, then of the ſenior Juſtice of the ſaid Court for the Time being. And all original or judicial Proceſſes or Writs iſſuing out of the Clerk's Office of the Inferiour Court of Common Pleas ſhall bear Teſte of the firſt Juſtice named in the Commiſſion for holding ſuch Court; and upon any Vacancy by his Death or Removal, then of the Juſtice next named in the ſaid Commiſſion, for the Time being. 11 *W.* ca. 2.

CHAP. XIII.

An Act preſcribing the Forms of Writs for Poſſeſſion, Scire Facias, and Replevin.

Be it enacted by the Lieutenant Governour, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame, That the Writ for putting ſuch into Poſſeſſion of any Land or Tenements as ſhall recover Judgment for the ſame, and for levying the Coſt and Damages recovered upon ſuch Suit, commonly call'd a Writ of *Facias habere Poſſeſſionem*, and Writ of *Fieri facias*: As alſo the Writ of *Scire facias*, to be iſſued out of the Superiour or Inferiour Court reſpectively; and the Writ of Replevin, ſhall be from Time to Time granted and iſſued in the Form following. *That is to ſay:*

Writ of Facias habere Poſſeſſionem, and Fieri Facias.

S------*ſſ.* *William* the Third by the Grace of GOD, of *England*, *Scotland*, *France* and *Ireland*, KING, Defender of the Faith, *&c.* To the Sheriff or Marſhal of Our County of *S.* his Under-Sheriff or Deputy, *Greeting.* Whereas *A. B.* of *C.* addition before Our Juſtices of Our Court of holden for or within Our County of *S.* aforeſaid at *B.* upon the Day of by the Conſideration of Our ſaid Court, recovered Judgment for his Title and Poſſeſſion of and in a certain Meſſuage or Tenement, with the Appurtenances, or Acres of Land, *&c.* lying and being in the Town of *D.* againſt *E. F.* of *G.* addition who had unjuſtly with-held, put out or amoved the ſaid *A. B.* from his Poſſeſſion thereof. And alſo at the ſaid Court recovered Judgment for *Pounds Shillings* and *Pence*, for Coſts and Damages which he ſuſtained by Reaſon of the ſame: As to Us hath been made to appear of Record. We Command you therefore, That without Delay you cauſe the ſaid *A. B.* to have Poſſeſſion of and in the ſaid Meſſuage or Tenement with the Appurtenances; or ſaid Acres of Land, *&c.* We alſo Command you, That of the Goods, Chattels or Lands of the ſaid *E. F's* within your Precinct at the Value thereof in Money, you cauſe the ſaid *A. B.* to be paid and ſatisfied the aforeſaid Sum of *Pounds Shillings* and *Pence*, which to the ſaid *A. B.* was adjudged for his Coſts and Damages, with *two Shillings* more for this Writ; and thereof alſo to ſatisfy your ſelf for your own Fees. And for want of ſuch Goods, Chattels or Lands of the ſaid *E. F.* to be by him ſhewn unto you or found within your Precinct to the Acceptance of the ſaid *A. B.* to ſatisfy the aforeſaid Sum: We Command you to take the Body of the ſaid *E. F.* and him commit unto our Goal in *B.* in Our County of *S.* aforeſaid; and detain in your Cuſtody within Our ſaid Goal, until he pay the full Sum above-mentioned with your Fees; or that he be diſcharged by the ſaid *A. B.* or otherwiſe by Order of Law. Hereof fail not, and

and make Return of this Writ with your Doings therein unto Our said Court of to be holden at *B.* upon the Day of next. Witness *E. H.* Esq; at *B.* the Day of In the Year of Our Reign. *Annoque Domini*, *A. D.* Clerk.

Writ of Scire Facias.

S-----*ſſ.* *William* the Third by the Grace of GOD of *England*, *Scotland*, *France* and *Ireland*, KING, Defender of the Faith, *&c.* To the Sheriff or Marshal of Our County of *S.* his Under-Sheriff or Deputy, *Greeting.* Whereas *C. D.* of *B.* addition before Our Justices of Our Court of holden for or within Our said County of *S.* at *B.* on the Day of In the Year of Our Reign: By the Consideration of Our said Justices, Recovered against *A. B.* of *E.* addition the Sum of *Pounds* *Shillings* and *Pence*, Debt or Dammage; and also *Pounds* *Shillings* and *Pence*, for Costs and Charges by him about his Suit in that Behalf expended; whereof the said *A. B.* is convict, as to Us appears of Record. And altho' Judgment be thereof rendred, yet the Execution for the said Debt or Dammage, and Costs, doth yet remain to be made; whereof the said *C. D.* hath supplicated Us to provide Remedy for him in that Behalf: Now to the End that Justice be done, We Command you, That you make known unto the said *A. B.* That he be before Our Justices of Our said Court of to be holden within or for Our said County of *S.* at *B.* on the Day of to shew Cause (if any he have) wherefore the said *C. D.* ought not to have his Execution against him the said *A. B.* for his Debt or Dammage, and Costs aforesaid; and further to do and receive that which Our said Court shall then consider: And have there then this Writ, with your Doings therein: Hereof fail not. Witness *E. H.* Esq; at *B.* the Day of In the Year of Our Reign. *Annoque Domini*, *A. D.* Clerk.

CHAP. XIV.

An Act prescribing the Form of Writs in Cases triable before a Justice of the Peace.

BE it enacted by the Lieutenant Governour, Council and Representatives, in General Court assembled; and it is enacted by the Authority of the same, That the several Forms of Writs and Processes here under written, shall be and hereby are established to be the Forms to be granted and used in civil Causes triable before a Justice of the Peace. *That is to say:*

Summons for Appearance.

S-----*ſſ.* TO the Sheriff or Marshal of the said County of *S.* or either of their Deputies, or Constables of the Town of *B.* within the said County, or to any or either of them: *Greeting.* In His Majesty's Name you are required to Summon and give Notice unto *T. P.* of *B.* aforesaid, addition (if he may be found in your Precinct) that he appear before me *J. D.* Esq; One of His Majesty's Justices of the Peace for the County aforesaid, at my dwelling House in *B.* on the Day of at of the Clock in the noon: Then and there to Answer to *E. L.* of *M.* addition In a Plea of To the Dammage of the said *E. L.* (as he saith) the Sum of *Shillings*: As shall then and there appear with other due Damages. You are also hereby further required to signify unto the said *T. P.* that he may not fail in the Premisses, as he will Answer the Contempt at the Peril of the Law in this Case made and provided: And of this Writ with your Doings therein you are to make true Return unto my self, at or before the said Day of Dated at *B.* aforesaid, the Day of In the Year of His Majesty's Reign. *Annoque Domini*, *J. D.*

Warrant

Warrant for Contempt.

S------*ss.* TO the Sheriff or Marshal of the said County of *S.* or either of their Deputies, or Constables of the Town of *B.* within the said County, or to any or either of them, *Greeting*. Whereas *T. P.* of *B.* aforesaid addition was served with Summons granted by me *J. D.* Esq; One of His Majesty's Justices of the Peace for the County aforesaid, for his Appearance before me on the Day of to Answer to *E. L.* of *M.* addition in a Plea of And whereas the said *T. P.* hath made default in his said Apperance: These are therefore in His Majesty's Name to will and require you to take the Body of the said *T. P.* (if he may be found in your Precinct) and him safely keep, so that he may be had before me the said *J. D.* at my Dwelling House in *B.* on the Day of at of the Clock in the noon, as well to Answer the said *E. L.* of his Plea aforesaid, as for his said Contempt; and make true Return of this Writ, with your Doings therein unto my Self at or before the said Day of Dated at *B.* aforesaid, the Day of In the Year of His Majesty's Reign. *Annoque Domini*,

J. D.

Capias or Attachment.

S------*ss.* TO the Sheriff or Marshal of the said County of *S.* or either of their Deputies, or Constables of the Town of *B.* within the said County, or to any or either of them, *Greeting*. In His Majesty's Name you are required to attach the Goods or Estate of *T. P.* of *B.* aforesaid addition to the Value of *Shillings*; and for want thereof to take the Body of the said *T. P.* (if he may be found in your Precinct) and him safely keep so that he may be had before me *J. D.* Esq; One of His Majesty's Justices of the Peace for the County aforesaid, at my Dwelling House in *B.* on the Day of at of the Clock in the noon; then and there to Answer to *E. L.* of *M.* addition in a Plea of To the Damage of the said *E. L.* (as he saith) the Sum of *Shillings*: As shall then and there appear with other due Damages. Hereof fail not, and make due Return of this Writ and of your doings therein unto my self at or before the said Day of Dated at *B.* aforesaid, the Day of In the Year of His Majesty's Reign. *Annoque Domini*,

J. D.

Summons when Goods are attached.

S------*ss.* TO *T. P.* of *D.* in the County of *S.* addition *Greeting*. In His Majesty's Name you are Commanded to appear before me *J. D.* Esq; One of His Majesty's Justices of the Peace for the County aforesaid, at my Dwelling House in *B.* on the Day of at of the Clock in the noon; To Answer unto *E. L.* of *M.* addition in a Plea of Which Plea the said *E. L.* hath commenced to be heard and determined before me: And your Goods or Estate are Attached to the value of *Shillings* for Security to satisfie the Judgment which the said *E. L.* may recover upon the aforesaid Tryal. Fail not of Appearance at your Peril. Dated at *B.* aforesaid the Day of In the Year of His Majesty's Reign. *Annoque Domini*,

J. D.

Execution or Warrant of Distress.

S------*ss.* WIlliam the Third by the Grace of GOD, of *England*, *Scotland*, *France* and *Ireland*, KING, Defender of the Faith, *&c.* To the Sheriff or Marshal of Our said County of *S.* or either of their Deputies; or Constables of the Town of *B.* within Our said County, or any or either of them, *Greeting*.

Greeting. Whereas *E. L.* of *M.* addition on the Day of before *J. D.* Esq; One of Our Justices of the Peace for Our County aforesaid recovered Judgment against *T. P.* of *B.* addition for the Sum of *Shillings* and *Pence*, Debt or Damage, and *Shillings* and *Pence*, for Charges of Suit, as to Us appears of Record; whereof Execution remains to be done. We Command you therefore, That of the Money of the said *T. P.* or of his Goods or Chattels within your Precinct, at the Value thereof in Money, you cause to be levied, paid and satisfied unto the said *E. L.* the aforesaid Sums, being *Pounds Shillings* and *Pence* in the whole; and also that out of the Money, Goods or Chattels of the said *T. P.* you levy *two Shillings* more for this Writ, together with your own Fees. And for want of such Money, Goods or Chattels of the said *T. P.*'s to be by him shewn unto you, or found within your Precinct, to the Acceptance of the said *E. L.* for satisfying the aforesaid Sums: We Command you to take the Body of the said *T. P.* and him commit unto our Goal in *B.* And we Command the Keeper thereof accordingly to Receive the said *T. P.* into Our said Goal, and him safely to keep, until he pay the full Sums above-mentioned, with your Fees; or that he be discharged by the said *E. L.* the Creditor, or otherwise by Order of Law. Hereof fail not, and make Return of this Writ with your doings therein unto Our said Justice within Sixty Days next coming. Witness Our said Justice at *B.* the Day of In the Year of Our Reign. *Annoque Domini*,

J. D.

And be it further enacted by the Authority aforesaid, That in case the Defendant in any Suit being duly Served with a Capias or Attachment, and Return therefore made do not appear by himself, or his Attorney, Judgment shall be entred up against him by Default.

CHAP. XIV.

An Act for regulating of Trials in Civil Causes.

Writs, Pleas, &c. to be in the English Tongue.

Be it enacted by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That all Writs, Processes, Declarations, Indictments, Pleas, Answers, Replications and Entries, in the several Courts of Justice within this Province, shall be in the English Tongue, and no other.

Circumstantial Errors not to cause an Abatement. Amendments to be made.

And that no Summons, Process, Writ, Judgment, or other Proceedings in Courts or Course of Justice shall be abated, arrested or reversed for any Kind of circumstantial Errors or Mistakes, where the Person and Case may be rightly understood and intended by the Court, nor thro' Defect or want of Form only: And the Justices on Motion made in Court, may order Amendment thereof.

Costs to be granted upon Non-Suits, &c.

And be it further enacted and declared by the Authority aforesaid, That if any Person shall cause Process to be served upon another on pretence of Debt, Trespass; or for any other Matter or Cause, and discontinue his Suit, or be Non-Suit, the Justices of the Court where such Process is returnable, shall give Judgment for the Defendant to recover reasonable Costs.

Judgment by Default.

And in Case the Defendant in any Suit being duly served with Process, and Return thereof made into the Court where the same is Returnable, do not appear by himself or his Attorney, his Default shall be recorded, and Judgment be entred up against him thereupon; unless before the Jury be dismiss'd he shall come into Court, and move for a Trial; in which Case he shall be admitted thereto, upon paying down to the adverse Party the Costs he has been at so far; and the Plaintiff shall pay for entring the Action anew.

And further it is enacted, That as well the Justices of the Superiour Court of Judicature, Court of Assize and General Goal Delivery, as the Justices of the Inferiour Court of Common Pleas, and Justices of the Court of General Sessions of the Peace, in each respective County within this Province, be, and are hereby respectively impowred, to make necessary Rules for the more orderly practising in such Court; so as that the said Rules be not repugnant to the Laws of this Province: As also from Time to Time, to appoint and settle a Clerk to officiate in such Court, and to do all Things proper to that Office; who shall be under Oath well and truly to execute and discharge the same. Justices of Courts to make necessary Rules for Practice. To appoint their Clerk.

And be it further enacted by the Authority aforesaid, That the Clerk of each Town respectively within this Province, as well as the Clerks of the several Courts aforesaid, may, and are hereby respectively impowred to grant Summons for Witness in Civil Causes, directed to the Party to be summoned for Witness; which Summons shall be made out in Form following. *That is to say:* Town Clerk to grant Summons for Witness.

S------ss. *To* A. B. *of* C. addition *Greeting.*

YOU are hereby Required in His Majesty's Name, to make your Appearance before the Justices of Our Lord the KING, at the next Court of to be holden at *B.* within and for the County of *S.* on the *Tuesday* of to give Evidence of what you know relating to an Action or Plea of then and there to be heard and tried betwixt *A. B.* of *C.* addition Plaintiff, and *D. E.* of *F.* addition Defendant: Hereof fail not, as you will answer your Default under the Pains and Penalty in the Law in that Behalf made and provided. Dated at *B.* the Day of In the Year of His Majesty's Reign. *Annoque Domini,*

A. D. Clerk. Summons.

And if any Person or Persons who shall be served with lawful Process, or Summons to testify, Depose or give Evidence concerning any Cause or Matter depending in any of the Courts aforesaid, and having tendred unto him or them such reasonable Sum or Sums of Money for his or their Costs and Charges, as having Regard to the Distance of the Places is necessary to be allowed in that Behalf, do not appear according to the Tenor of the Process or Summons, having no lawful or reasonable Let or Impediment to the contrary; that then the Party so making Default, shall for every Offence lose and forfeit *forty Shillings*; and shall yield further Recompence to the Party aggrieved, according to the Loss and Hindrance that he shall sustain by Reason of the Non-appearance of such Witness or Witnesses: The said Forfeiture and Dammages to be recovered by the Party so grieved against the Offender or Offenders, by Action of Debt in the Inferiour Court of Common Pleas within the same County; wherein no Essoign, Protection or Wager of Law to be allowed. Penalty on Witnesses for not appearing. Dammages how to be recovered.

And *two Shillings* per Diem shall be accounted due Satisfaction to any Witness for his Travel and Expences; and no more to be allowed in Civil Causes: And if such Witness live within three Miles of the Place of the Court's sitting whereto he is summoned, and be not to pass any Ferry, then *one Shilling and six Pence* per Diem shall be accounted sufficient. Witnesses Allowance.

And no Person serving as a Justice, Juror, Witness or otherwise; shall be required to use any other Ceremony in taking of their respective Oaths, than lifting up the Hand as has been accustomed. Ceremony to be used in Swearing.

And it is further declared and enacted by the Authority aforesaid, That it shall be in the Liberty of the Party aggrieved, at the Judgment given in any Inferiour Court of Common Pleas, to Appeal therefrom unto the next Superiour Court of Judicature to be held within or for the same County. And the Party so appealing, before his Appeal be allowed shall give sufficient Security to prosecute the same with Effect: and to answer and pay all intervening Dammages occasioned to the Appellee by his being delayed, with additional Costs, in Case the Judgment be affirmed. And Execution shall be stayed and suspended, until after the Trial had upon the Appeal. Liberty of Appeal from the Inferiour Court. Sureties for Appeal how far liable. Execution staid.

Appellant to produce the Case. Each Party to have benefit of new Plea and Evidence.

And further it is enacted, That the Party Appellant shall produce and give in to the Court where such Appeal is to be tried, attested Copies of the Writ, Judgment, and of all the Evidences filed in the Inferiour Court. And each Party shall be allowed the Benefit of any new and further Plea and Evidence.

Saving always the Liberty of Appeal unto His Majesty in Council, as by His Majesty's Royal Charter in that Behalf is provided.

Execution not to be granted in 24 Hours.

And be it further enacted by the Authority aforesaid, That Execution in any Case shall not be granted until the Expiration of twenty four Hours next after the entering up of Judgment.

Persons imprisoned on mean Process, not to be discharged till 30 Days after Judgment.

And that no Person imprisoned upon mean Process, shall be held in Prison upon such Process above the space of thirty Days next after the rising of the Court where the same is Returnable, notwithstanding Judgment thereupon recovered; unless such Person be continued there by having his Body taken in Execution: Nor shall the Prison Keeper discharge any such Prisoner having Judgment entred up against him, within the said space of thirty Days after the Court's rising, to the Intent his Body may be taken in Execution, but by special Order of the Party at whose Suit he stands committed, signified in writing under his Hand.

Goods or Estate attach'd, not to be released in 30 Days after Judgment.

Nor shall any Goods or other Estate attached to Respond the Judgment that shall be recovered on Suit brought, be released or discharged from such Arrest until the Expiration of thirty Days next after rendring of Judgment for the Plaintiff in such Suit, to the Intent that he may take the same by Execution for satisfying of such Judgment in Whole or in Part, so far as the Value thereof can extend, if he think fit; unless the Judgment be sooner or otherwise satisfied: Any Law, Usage or Custom to the contrary notwithstanding.

CHAP. XVI.

An Act for Review in Civil Causes.

7 *G.* ca. 6.

TO the Intent there be no failure of Justice; and that the Party against whom Suit is brought, be not fore-closed by a Judgment given against him; when as upon a new Trial he might be better provided of new and further Evidence for his Defence; which probably could not be obtained in so short Time as by Law is allowed for a Trial by Appeal:

Review of Judgment given in the Superiour or Inferiour Court.

Be it enacted by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That it shall be in the Liberty of the Party aggrieved at the Judgment given in any Inferiour Court of Common Pleas, or in the Superiour Court of Judicature respectively, by new Process to Review the said Cause once in each Court.

Party Reviewing to bring the Case.

And the Party bringing such Action of Review, shall produce and present attested Copies of the Writ, Judgment, and of all the Evidences on File in the former Trial; and each Party shall have the Benefit of any new and further Plea and Evidence.

No Review to be brought after 3 Years. Saving.

Provided, No Action of Review shall be brought after the Expiration of three Years from the Time of rendring the Judgment, to be reviewed.

Saving unto any Infant, Feme Covert, or Person *non compos mentis*, Imprisoned, in Captivity, or out of this Province the Term of three Years next after their coming of full Age, or such Imperfection removed, to bring his or her Action of Review; and not afterward.

Execution not to be staid by reason of Review.

And it is further enacted, That Execution shall not be stayed or suspended, for or by Reason of any Process of Review: Any Law, Usage or Custom to the contrary notwithstanding.

CHAP.

CHAP. XVII.

An Act relating to Attorneys.

BE it enacted by the Lieutenant Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That the Plaintiff or Defendant in any Suit, may plead or defend his Cause by himself in his proper Person; or with the Assistance of such other Person as he shall procure. 13 *A.* ca. 14

And be it further enacted, That all Attorneys commonly practising in any of the Courts of Justice within this Province, shall be under Oath, which Oath shall be administred to them by the Clerk in open Court before the Justices of the same, at the Time of their being admitted to such Practice; in the Tenor following. *That is to say:*

YOU shall do no Falshood, nor consent to any to be done in the Court, and if you know of any to be done, you shall give Knowledge thereof to the Justices of the Court, or some of them; that it may be reformed. You shall not wittingly and willingly, promote, sue or procure to be sued any false or unlawful Suit, nor give Aid or Consent to the same. You shall deley no Man for Lucre or Malice. But you shall use your self in the Office of an Attorney within the Court, according to the best of your Learning and Discretion, and with all good Fidelity as well to the Court as to your Clients. So help you GOD. Attorneys Oath.

And the Fee to be allowed for an Attorney in the Superiour Court of Judicature, shall be *twelve Shillings*; and in the Inferiour Court of Common Pleas *ten Shillings*, and no more: And but one Attorney to be paid for in any Case. And none but such as are allowed and sworn Attorneys as aforesaid, shall have any Fee taxed for them in Bills of Costs: Any Law, Usage or Custom to the contrary in any wise notwithstanding. Fees

CHAP. XVIII.

An Act prescribing the Form of a Warrant for collecting of Town Assessments, &c.

BE it enacted and ordained by the Lieutenant Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That the Warrant to be issued by the Select-Men or Assessors of the respective Towns, for the collecting and gathering in of Town Rates or Assessments, shall be made in the Form or Tenor following. *That is to say:*

S----ss. To the Constable or Constables of the Town of A. *within the County of* S. *and every of them,* Greeting.

IN His Majesty's Name you are required to levy and collect of the several Persons named in the List herewith committed unto you, each one his respective Proportion (therein set down) of the Sum total of such List; being a Tax or Assessment granted and agreed upon by the Inhabitants of the said Town of *A.* regularly assembled, for defraying of the necessary Charges arising within the same: And to deliver and pay in the Sum and Sums which you shall so levy and collect unto *A. B.* Treasurer of the said Town, (where any such is appointed) or to the Select-Men; or to *C. D.* (who is by them appointed to receive the same) and to compleat and make up an Account of your Collections of the whole Sum, at on or before the . Day of And if any Person or Persons shall neglect or refuse to make Payment of the Sum or Sums whereat he or they are respectively assessed and set in the said List, to distrein the Goods or Chattels of such Person or Persons to the Value thereof, and the Distress

Distress or Distresses so taken, to keep by the space of four Days, at the Cost and Charge of the Owner: And if the Owner do not pay the Sum or Sums of Money so assessed upon him within the said four Days, then the said Distress or Distresses so taken, you are to expose and openly sell at an Out-cry, for Payment of the said Money and Charges: Notice of such Sale being posted up in some publick Place within the same Town, twenty four Hours before Hand: And the Over-plus coming by the said Sale (if any be) besides the Sum or Sums of the Assessment and the Charges of taking and keeping of the Distress and Distresses, to be immediately restored to the Owner. And for want of Goods or Chattels whereon to make Distress, you are to seise the Body or Bodies of the Person or Persons so refusing, and him or them commit unto the Common Goal of the said County; there to remain until he or they pay and satisfy the several Sum or Sums whereat they are respectively assessed as aforesaid; unless upon Application made to the Court of General Sessions of the Peace, the same or any Part thereof shall be abated. Dated at *A.* the Day of In the Year of His Majesty's Reign. *Annoque Domini*,

Attested Copy of the Warrant, to be given up on Commitment.

And be it further enacted by the Authority aforesaid, That when the Officer appointed for collecting any Rates or Assessments by Virtue of such Warrant as aforesaid, shall seise the Body of any Person or Persons for want of Goods or Chattels whereof to make Distress, and shall commit him or them to Prison; he shall give an attested Copy of his Warrant unto the Keeper of the Prison, and thereupon certify under his Hand the Sum or Sums such Person or Persons are to pay as their Proportion to the Assessment, and that for want of Goods or Chattels whereon to make Distress, he has seised his or their Bodies: And such attested Copy with the Certificate thereon under the Hand of the Officer, shall be a sufficient Warrant to require the Prison Keeper to receive and hold such Person or Persons in Custody, until he or they shall pay their Rates or Assessments as aforesaid, and Charges of Imprisonment; with *one Shilling* for the Copy of the Warrant.

CHAP. XIX.

An Act providing in Case of Sickness.

Additional Act. 1, 2, G. 2. ca. 8.

Be it enacted by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That for the better preventing the spreading of Infection, when it shall happen any Person or Persons coming from abroad, or belonging to any Town or Place within this Province to be visited; or that late before have been visited with the Plague, Small-Pox, pestilential or malignant Fever, or other contagious Sickness, the Infection whereof may probably be communicated to others; the Select-Men of such Town be, and hereby are impowred to take Care, and make effectual Provision in the best Manner they can, for the Preservation of the Inhabitants; by removing and placing such sick or infected Person or Persons, to and in a separate House or Houses, and by providing of Nurses, Tendance and other Assistance, and Necessaries for them; at the Charge of the Parties themselves, their Parents or Masters (if able) or otherwise at the Charge of the Town or Place whereto they belong.

Select-Men to provide for the Sick.

Towns to pay the Charge of their own Sick.

And in Case it happen any Person or Persons to be visited with Sickness in any other Town or Place than that whereto they belong, and thereby occasion a Charge to such Town; the Select-Men shall lay the Account thereof before the Justices in Court of General Sessions of the Peace within the County where the Town lies, whereto such Person or Persons belong; and the Justices having adjusted the Account of such Charge, and allowed so much thereof as they judge reasonable, shall order Payment thereof to be made by the Treasurer of such Town; when the Persons themselves, their Parents or Masters are unable to pay the same. And when it shall happen such indigent Persons not to be

Inhabitants,

Inhabitants, or belonging to any Town or Place within this Province, and the proper Charge thereof in Case they need Relief; then the Charge of their Sickness shall be defrayed out of the publick Treasury of the Province, by Warrant from the Governour, with the Advice and Consent of the Council.

Justices to make out Warrant for impressing Lodgings &c.

And be it further enacted by the Authority aforesaid, That if need so require, any two Justices of the Peace may make out a Warrant directed to the Sheriff of the County or his Deputy, or Constables of the Town or Place where any such sick Person or Persons shall be; requiring them or any of them in His Majesty's Name, with the Advice and Direction of the Select-Men of the same, to impress and take up convenient Housing, Lodging, Nurses, Tendance and other Necessaries, for the Accommodation, Safety and Relief of the Sick.

Justices impowred to prevent Persons coming on Shoar from any Vessels visited with Sickness.

And be it further enacted by the Authority aforesaid, That if any Person or Persons, Seamen or Passengers belonging to or transported in any Ship or Vessel, arriving to any Port or Harbour within this Province, happen to be visited with the Plague, Small-Pox, pestilential or malignant Fever during the Voyage; or to come from any Place where such Sickness prevails and is common, any Justice or Justices of the Peace within the County to whom the Notice or Information thereof shall be given, shall forthwith take Care to prevent and restrain all Persons belonging to, or transported in such Ship or other Vessel from coming on Shoar; and if any be before on Shoar, to send them on Board again; as also to restrain Persons from going on Board such Ship or Vessel: And to that End may make out a Warrant directed to the Sheriff of the County or his Deputy, or Constables of the same Town; who are accordingly impowred and required to execute the same. And such Justice or Justices, are forthwith to transmit the Intelligence thereof to the Governour or Commander in Chief for the Time being; who is hereby impowred, with the Advice and Consent of the Council, to take such further Order therein as they shall think fit, for preventing the spreading of the Infection.

Intelligence to be transmitted to the Governour.

CHAP. XIX.

An Act in Addition to an Act for the Settlement and Support of Schools and School-Masters.

WHEREAS it is by Law appointed, "That every Town within this "Province having the Number of fifty Housholders or upwards, shall "be constantly provided of a School-Master, to teach Children and Youth to "read and write. And where any Town or Towns have the Number of one "Hundred Families or Housholders, there shall also be a Grammar School set "up in every such Town; and some discreet Person of good Conversation, "well instructed in the Tongues, procured to keep such School. Every such "School-Master to be suitably encouraged and paid by the Inhabitants. *The Observance of which wholsome and necessary Law is shamefully neglected by divers Towns, and the Penalty thereof not required, tending greatly to the Nourishment of Ignorance and Irreligion; whereof grievous Complaint is made:* 4 *W.* & *M.* ca. 10. 4 *G.* ca. 2.

For Redress of the same:

Penalty for Non-observance of the Law.

Be it enacted and declared by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That the Penalty or Forfeiture for Non-observance of the said Law, shall henceforth be *twenty Pounds* per Annum; and so proportionably for a lesser Time that any Town shall be without such settled School-Master respectively; to be recovered, paid and employed in Manner, and to the Use as by Law is directed: Any Law, Usage or Custom to the contrary notwithstanding.

Every

Grammar School-Masters to be approved.

Every Grammar School-Master to be approved by the Minister of the Town and the Ministers of the two next adjacent Towns, or any two of them; by Certificate under their Hands.

No Minister to be a School-Master.

And be it further enacted, That no Minister of any Town shall be deemed, held or accepted to be the School-Master of such Town within the Intent of the Law.

Justices to see to the Observance of the Law.

And the Justices of Peace in each respective County are hereby directed to take effectual Care, that the Laws respecting Schools and School-Masters, be duly observed and put in Execution.

Grand Jurors to inquire and present Breaches thereof.

And all Grand Jurors within their respective Counties, shall diligently Inquire and make Presentment of all Breaches and Neglect of the said Laws, that so due Prosecution may be made against the Offenders.

CHAP. XX.

An Act to prevent and make void Clandestine and Illegal Purchases of Lands from the *Indians*.

Preamble.

WHEREAS the Government of the late Colonies of the Massachusetts-Bay *and* New-Plymouth; *to the Intent the native* Indians *might not be injured or defeated of their just Rights and Possessions, or be imposed on and abused in selling and disposing of their Lands; and thereby deprive themselves of such Places as were suitable for their Settlement and Improvement:* Did by an Act and Law passed in the said Colonies respectively many Years since, inhibit and forbid all Persons purchasing any Lands of the *Indians*, without the Licence and Approbation of the General Court. *Notwithstanding which, sundry Persons for private Lucre have presumed to make Purchases of Lands from the* Indians, *not having any Licence or Approbation as aforesaid for the same, to the Injury of the Natives; and great Disquiet and Disturbance of many of the Inhabitants of this Province in the peaceable Possession of their Lands and Inheritances lawfully acquired:*

Therefore for the vacating of such illegal Purchases, and preventing of the like for the future:

Be it enacted and declared by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That all Deeds of Bargain, Sale, Lease, Release, or Quit-Claim, Titles and Conveyances whatsoever, of any Lands, Tenements or Hereditaments within this Province, as well for Term of Years as for Ever, had, made, gotten, procured or obtained, from any *Indian* or *Indians* by any Person or Persons whatsoever, at any Time or Times since the Year of Our Lord, *One Thousand Six Hundred Thirty Three*, without the Licence or Approbation of the respective General Courts of the said late Colonies, in which such Lands, Tenements or Hereditaments lay; and all Deeds of Bargain and Sale, Titles and Conveyances whatsoever of any Lands, Tenements or Hereditaments within this Province, that since the Establishment of the present Government, have been, or shall hereafter be had, made, obtained, gotten or procured, from any *Indian* or *Indians*, by any Person or Persons whomsoever, without the Licence, Approbation and Allowance of the Great and General Court or Assembly of this Province for the same, shall be deemed and adjudged in the Law to be Null, Void and of none Effect.

All Deeds of Bargain, Sale, &c. from *Indians* without Licence, Vacated.

Proviso for Towns or Persons having Title derived from the General Court.

Provided nevertheless, and is is notwithstanding hereby **Enacted and Declared,** That all such Purchases, Releases and Titles, heretofore had or obtained from any *Indian* or *Indians*, by any Town or Person whatsoever, of any Lands or Hereditaments which such Town or Person also hold and enjoy by Virtue of any Grant or Title made or derived by or from the General Court of either of the Colonies aforesaid: And all Releases, Purchases, Conveyances and Titles, which

which any Town or Perſon ſhall hereafter make, procure or obtain of any *Indian* or *Indians*, for any Lands, Tenements or Hereditaments, Granted or that ſhall be Granted by the General Court to ſuch Town or Perſon before ſuch Purchaſe or Title made or obtained from any *Indian* or *Indians*, ſhall be, and hereby are excepted out of this Act, and be held for Good and Valid in the Law: Any thing herein contained notwithſtanding.

Saving for Lands lying Eaſtward of *Piſcataqua* River, at *Martha's Vineyard* and *Nantucket*.

Provided alſo, That if any Perſon or Perſons, or Town in this Province to the Eaſtward of *Piſcataqua* River, have heretofore purchaſed or obtained any *Indian* Deed or Title for any Lands, Tenements or Hereditaments in thoſe Parts; or if any Perſon or Perſons have heretofore purchaſed or obtained any *Indian* Deed or Title for any Lands, Tenements or Hereditaments in the Iſland of *Capawack*, *alias Marthas Vineyard*, or the Dependences thereof, now known by the Name of *Dukes County*, or in the Iſland of *Nantucket*, for further Confirmation of their other lawful Titles and Poſſeſſions: This Act, or any Thing therein contained ſhall not extend or be conſtrued to extend in any wiſe to vacate or make void ſuch *Indian* Deed or Title: Any Thing herein contained to the contrary notwithſtanding.

Penalty on Perſons that ſhall make Purchaſes without Licence.

And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons whatſoever, ſhall after the Publication of this Act, preſume to make any Purchaſe, or obtain any Title from any *Indian* or *Indians* for any Lands, Tenements or Hereditaments within this Province, contrary to the true Intent and Meaning of this Act; ſuch Perſon or Perſons ſo offending, and being thereof duly convicted in any of His Majeſty's Courts of Record within this Province, ſhall be puniſhed by Fine and Impriſonment, at the Diſcretion of the Court where the Conviction ſhall be; not exceeding double the Value of the Land ſo purchaſed, nor exceeding ſix Months Impriſonment.

Leaſes of Land from the *Indians* to be approved by the Court of Seſſions of the Peace.

And be it further enacted by the Authority aforeſaid, That all Leaſes of Land that ſhall at any Time hereafter be made by any *Indian* or *Indians* for any Term or Terms of Years, ſhall be utterly void and of none Effect; unleſs the ſame be made by and with Licence firſt had and obtained from the Court of General Seſſions of the Peace in the County where ſuch Lands lie.

Proviſo for Sale, from *Indian* to *Indian*.

Provided nevertheleſs, That nothing in this Act ſhall be taken, held or deemed in any wiſe to hinder, defeat or make void any Bargain, Sale or Leaſe of Land made by one *Indian* to another *Indian* or *Indians*.

CHAP. XXI.

An Act for eſtabliſhing of a Naval Office, and for aſcertaining of the Fees.

BE it enacted by the Lieutenant Governour, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame, That in every Sea Port within the Province, there be an Office kept, to be called and known by the Name of the Naval Office, as has been accuſtomed; for the entring and clearing of all Ships and other Veſſels trading to or from this Province. And the Fees to be demanded and received in the ſaid Office ſhall be theſe following, and no other. *That is to ſay:*

	l.	*s.*	*d.*
For entring of Ships and Veſſels trading to this Province from abroad, (except from the Provinces and Colonies of *Penſylvania*, *New-York*, *Eaſt* and *Weſt-Jerſeys*, *Connecticut*, *Rhode-Iſland*, and *New-Hampſhire*) *One Shilling* each.	00	01	00
And for Veſſels trading to or from either of the ſaid Provinces or Colonies, *four Shillings* per Annum; or *ſix Pence* Entry and *ſix Pence* Clearing each Voyage, at the Maſter's Choice.			

For examining and recording Certificates that Bond is given according to the Acts of Navigation, *two Shillings*.	00	02	00
For Bond given according to the Acts of Navigation.	00	02	00
For Clearing and Certificate of the Lading, *two Shillings and six Pence*.	00	02	06

And be it further enacted by the Authority aforesaid, That if any Person employed in the said Office, shall demand or take any other or greater Fees than by Law are allowed, or shall illegally delay and defer the entring or clearing any Ship or other Vessel; such Officer so offending shall be liable to double Costs and Dammages, being thereof duly convicted in any of His Majesty's Courts of Record within this Province.

An Act,

Passed by the Great and General Court or Assembly of Her Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and Held at *Boston*, on Wednesday the twenty-seventh of *May*, 1702.

CHAP. I.

An Act in addition to the Act for regulating the Militia, and for Explanation of a Clause in the said Act.

5 *W.* & *M.* ca. 8.

WHEREAS in the enumeration of Persons exempted from Trainings by the Act Intitled, An Act for Regulating of the Militia, *Persons Lame or otherwise disabled in Body (producing Certificate from two able Chyrurgeons) are included. And whereas divers Persons fit and able for Service, by corrupt and fallacious Means do obtain such Certificates from some Practitioners in Chyrurgery in elusion of the Law, and contrary to the true Intent and Meaning thereof; and thereupon presume to neglect their Duty, and plead an Exemption with Disregard to their Officers, having no orderly Dismission from them:*

For Remedy whereof:

Lame Persons &c not to be dismiss'd from Trainings, &c. without Approbation of their Officers.

Be it enacted and declared by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That no Person or Persons whatsoever shall at any Time hereafter, by Virtue of any Certificate already given, or to be given by two Chyrurgeons as aforesaid, be excused or exempted from bearing Arms, and attending Trainings, and other military Exercises and Duty in the Troop or Company whereto they respectively belong, and are inlisted; or from Impresses for Her Majesty's Service, unless for just Cause they first obtain an orderly Dismission under the Hands of the Commission Officers of such Troop or Company. And in Case they unreasonably refuse the same, then of the first Field Officer of the Regiment whereof such Troop or Company is Part; or of the Captain General or Commander in Chief, for the Time being: Any Law, Usage or Custom to the contrary notwithstanding.

Acts and Laws,

Passed by the Great and General Court or Assembly of Her Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and Held at *Boston* upon Wednesday the twenty-seventh of *May* 1702. And continued by several Prorogations until Thursday the fifteenth of *October* following; and then sat at *Cambridge*.

CHAP. II.

An Act to prevent Charges arising upon the County for Prisoners committed for Theft.

INASMUCH as it often happens, That Persons convicted of Theft, and sentenced to make Restitution to the Party injured as the Law directs, are held long Time in Prison; having not wherewith to satisfy their Creditors, or to pay for their Keeping otherwise than by Service; thereby occasioning great Charge to arise upon the County: Preamble.

For Remedy whereof:

Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled; and it is enacted by the Authority of the same, That hence-forth no Person or Persons convicted and sentenced for committing of Theft, shall be held, or continued in Prison for and on account of Restitution or Dammages awarded to the Party injured, for more than the space of thirty Days next after such Judgment or Sentence given; Unless the Creditor will become engaged, or give Caution to the Keeper of the Prison to pay and satisfie his Charge and Expence in keeping of such Prisoner both for Time past and future, not exceeding *Three Shillings per* Week. Prisoners for Theft not to be held more than 30 Days after Sentence unless, &c.

And in case the Creditor shall refuse or neglect so to do and shall not dispose of or take such Prisoner in Service; or otherwise release him, the Keeper shall no longer be chargeable with such Prisoner, but may set him at Liberty: Any Law, Usage or Custom to the contrary in any wise notwithstanding. And in every such Case the Prisoner shall pay and satisfy his own Fees and Charges; and if he be unable, then upon Application made by the Keeper to any two Justices of the same Court *Quorum Unus*; such two Justices are hereby impowred to adjust and determine the Sum to be paid, and to order and enjoyn the Prisoner to make Satisfaction by Service for such reasonable Time as they shall assign, for which Term the Keeper may dispose of him in Service to any of Her Majesty's *English* Subjects. Keepers Power to discharge the Prisoner in Case.

And it is further enacted by the Authority aforesaid, That if any Action, Bill, Suit or Information shall be commenced or prosecuted against the Keeper of such Prison for what he shall do in pursuance of this Act; he may plead the general Issue, Not Guilty; and upon Issue joyned may give this Act and the special Matter in Evidence; And if the Plantiff or Prosecutor shall become Non-suit, or suffer a Discontinuance; or if Verdict pass against him, the Defendant shall recover Costs and Damages for the Molestation.

CHAP. III.

An Act more effectually providing for the Support of Ministers.

WHEREAS in some few Towns and Districts within this Province, divers of the Inhabitants are Quakers, *and others Irreligious Persons averse and opposite to the publick Worship of God, and to a learned orthodox Ministry; and find out Ways to elude the Laws provided for the Support of such, and pervert the good Intentions thereof; to the Encouragement of Irreligion and Prophaneness:* Preamble.

4 *W.* & *M.* ca. 10 & 5 *W.* & *M.* ca. 20. 7 *W.* ca. 9.

For Remedy whereof: And in further Addition to the Act, Entitled, *An Act for the Settlement and Support of Ministers and School-Masters*, Made in the Fourth Year of the Reign of King *William* and Queen *Mary*: And the Additions thereto heretofore made:

Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That when and so often from Time to Time, as Information or Complaint shall be made to the Court of General Sessions of the Peace in any County, that the Minister of any Town or District within such County, qualified as aboveſaid, is not suitably encouraged, supported or maintained, according to his Contract or Agreement made with the Inhabitants; or according to the Allowance and Maintenance ordered him by the Court of General Sessions of the Peace; as the Law directs where there is no such Contract, or that the same happen to be expired, by Reason that the Select-Men or other Assessors of such Town or District, do refuse or neglect to assess and raise such Maintenance, and cause the same to be levied upon the Inhabitants; or that Payment thereof is withheld from the Minister: In every such Case, the said Court is hereby directed and further impowred, over and above the imposing of the Fine by Law set upon such delinquent Select-Men or Assessors, to appoint three or more sufficient Freeholders within the same County, to assess and apportion the Sum agreed or set for the yearly Support and Maintenance of such Minister, either by Contract or Court Order, upon the Inhabitants of such Town or District, in Manner as is directed for the raising other publick Charges; and to present the List of such Assessment unto two Justices of the Peace of the same County, *Quorum Unus*; who are hereby impowred and required to make out and affix a Warrant thereto, directed to the Constables of such Town or District, in Form as is by Law prescribed for the levying and collecting of Town Rates or Assessments, *Mutatis Mutandis*; requiring them to collect and levy the Sum total of the said List, and pay in the same unto the Minister; or to such Person as shall be appointed by the Sessions to receive the same to his Use: And such Constables failing of a due Observance and Execution of such Warrant, shall incur the like Pains, Penalties and Forfeitures, as for not collecting and paying in any other Rates or Assessments to them committed. And the Court of General Sessions of the Peace is further directed and impowred, to order meet Satisfaction to be made unto the Assessors so appointed, for their Pains and Trouble, out of the Fines set upon the delinquent Select-Men or Assessors as aforesaid. And the remainder of the said Fines, (if any be) to be paid to the County Treasurer for defreying the necessary Charges of the County: Any Law, Usage or Custom to the contrary in any wise notwithstanding.

Court of General Sessions Power to appoint Assessors.

13 *W.* ca. 18.

Two Justices to make out a Warrant for collecting.

Satisfaction to be given to the Assessors.

And be it further enacted by the Authority aforesaid, That the Inhabitants of each District or Precinct respectively, regularly set off from any Town, shall be, and are hereby impowred to name and appoint a Clerk, as of right Towns by Law have; as also Assessors for the assessing and raising a Maintenance and Support for the Minister of such District or Precinct; and to make out a Warrant in Form as by Law prescribed for Town Rates or Assessments, directed to the Constable of the Town or District, for the collecting and levying of the same; who is required to execute such Warrant accordingly. And in Case the Assessors so appointed, shall refuse or neglect that Service, the Select-Men of the Town from whence such District or Precinct was set off, shall and are hereby required to assess the Inhabitants of the same, the Sum agreed upon or set for Maintenance of the Minister thereof.

Inhabitants of Districts their Power.

4 *G.* ca. 6. 7 *G.* ca. 8.

CHAP.

CHAP. IV.

An Act for appointing Commissioners of Sewers.

Preamble.

WHEREAS great Quantities of Meadows and Low Grounds belonging to sundry Persons in several Towns, are spoiled by the Overflowing of Rivers, Brooks and Waters occasioned by Banks and Stoppages in their Courses, which by Industry may be removed, to the Benefit and Profit of the Owners: And also much Meadow and Pasture Lands might be gained out of Swamps and other rough and unprofitable Grounds, by drowning and dreyning the same.

To the intent therefore that the Owners of such Lands and Meadows may be encouraged, and enabled to remove such Obstructions as occasion such Overflows; and to damm and flow their Swamps and other Grounds, and thereby bring them to Meadow or Pasture, that they may be made profitable to them:

Governour & Council to grant Commissions of Sewers.

Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That it shall be in the Power of the Governour and Council, from Time to Time, upon Request to them made by the major Part of the Proprietors of any such Lands, to grant Commissioners of Sewers to such and so many able and discreet Persons, as to them shall seem meet, for the clearing and removing of the Banks and Obstructions of the Passages of the Waters in Rivers, Brooks or Ponds, that occasion the Overflows and Drowning of Meadows and low Lands; and also for the damming and flowing of Swamps and other unprofitable Grounds, and dreyning of them. By which Commissions, the said Commissioners shall be impowred to meet and convene together from Time to Time as Occasion may require, to View, Consider, Consult and Contrive such Ways and Methods for the clearing and removing the Obstructions aforesaid; and for the drowning and dreyning of Swamps and other unprofitable Grounds: And to employ Workmen and Labourers for such reasonable Wages as may be agreed on, for the effecting the Premises; and from Time to Time to assess and tax all such Persons as may or shall be Owners of such over-flowed Lands or Meadows, or such unprofitable Swamps and Lands as aforesaid, towards the Charge thereof; having regard to each Person's quantity of Land and Benefits to be received thereby, as equally according to their best Judgment as they can; and also to appoint and swear a Collector or Collectors, for the collecting and gathering and paying in the same to such Persons, as by the said Commissioners shall be appointed to receive it; with Powers to distrain all such Persons, as shall neglect or refuse to make Payment of his, her or their Parts or Proportion set and assessed as aforesaid, in such Manner as in the Province Rates and Taxes by Law may be done, and to call before themselves the said Collector or Collectors to Account for his or their Betrustments, with Reference to the Premisses.

Commissioners Power.

Commissioners to be Sworn.

And further be it enacted by the Authority aforesaid, That the said Commissioners shall be Sworn for the faithful Discharge of their Trust, and shall receive such Salaries out of the said Assessments, for their Time and Expences touching the Premisses, as the Governour and Council shall appoint; unto whom the said Commissioners shall be accountable when they shall be thereunto required.

And be it further enacted by the Authority aforesaid, That in case it shall so happen that any Proprietor of any such Lands or Meadows to be drowned or Dreyned as aforesaid, shall be unable; or otherwise neglect to pay his, her, or their Part or Proportion of the said Rates or Assessments; it shall and may be lawful to and for the other Proprietors concerned therein to pay the said Assessments, and to hold the said Lands and Meadows so long until the Rates and Profits to be received of those Lands, may Reimburse them; and the Commissioners aforesaid shall determine the Time how long.

Provided,

Provided always, That it shall be in the Liberty of any Person aggrieved at any Procedure had or made by the said Commissioners, or any others in pursuance of this Act, to appeal therefrom unto the Governour and Council for Relief.

CHAP. V.

An Act for the reviving and re-enacting a Clause in the Act, Intitled, An Act for the Regulating and Encouragement of Fishery; that hath been for some Time Repealed by the General Assembly.

4 *W.* & *M.* ca. 14.

WHEREAS *in the second Paragraph of the said Act*, It is enacted, "That henceforth no Mackrel shall be caught (except for spending "whilst fresh) before the first of *July* annually: *And whereas the said Clause by an Act afterwards made and passed by the General Assembly, was repealed and made void; which said Repeal, and the unseasonable catching of Mackrel thereupon hath been experienced to be very prejudicial to this Province:*

Be it therefore enacted by his Excellency the Governour, Council and Representatives, convened in General Court or Assembly, and it is enacted by the Authority of the same, That the said Clause above-recited, shall be, and is hereby revived and re-enacted: And that henceforth no Person or Persons whatsoever, shall presume to catch or cause to be caught any Mackrel (except for spending whilst fresh) before the first of *July* annually; on Penalty of forfeiting all the Mackrel so caught contrary to the true Intent and Meaning of this Act, and *twenty Shillings* per Barrel over and above for each Barrel of the same: The one Half of the said Forfeiture to be to Her Majesty, for and towards the Support of this her Government; and the other Half to him or them that shall inform and sue for the same, in any of Her Majesty's Courts of Record within this Province.

Penalty for catching Mackrel before the first of *July*; except, &c.

An Act,

Passed by the Great and General Court or Assembly of Her Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and Held at *Boston*, on Wednesday the tenth of *March* 1702.

CHAP. I.

An Act against the Diminishing and Counterfeiting of Money.

Counterfeiting or Diminishing of Her Majesty's Coins.

BE it enacted and declared by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That every Person duly convicted of counterfeiting or impairing, diminishing or debasing any of Her Majesty's Coins; by washing, clipping, rounding, filing or scaling of the same, shall be proceeded against as a Felon, and suffer the Pains of Death.

And that every Person duly convicted of counterfeiting, or impairing, diminishing or debasing any of the Money established to be current Money within this Province, according to the Act, *For ascertaining the Value of Coins current within*

within this Province ; by washing, clipping, rounding, filing or scaling of the same, shall be set in the Pillory by the space of one whole Hour ; and have one of his Ears nailed thereto ; and also be publickly whipped upon the naked Body, with so many Stripes as the Court before whom the Conviction shall be shall order ; not exceeding forty, and pay all Charges of Prosecution. Counterfeiting or Diminishing of the current Money of the Province.

Be it further enacted by the Authority aforesaid, That every Person duly convicted of buying or receiving any clippings, scalings or filings of Money, shall forfeit and pay a Fine of *twenty Pounds* ; one Moiety thereof unto Her Majesty, for and towards the Support of the Government within this Province ; and the other Moiety to him or them that shall inform and sue for the same : and also be imprisoned by the space of three Months. Clippings, Filings, &c.

An Act,

Passed by the Great and General Court or Assembly of Her Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and Held at *Boston* upon Wednesday the twenty-sixth of *May*, 1703. And continued upon Adjournment unto Wednesday the thirtieth of *June* following ; and then met.

CHAP. II.

An Act relating to Molatto and Negro Slaves. 2 *A.* ca. 4.

WHEREAS *great Charge and Inconveniencies have arisen to divers Towns and Places, by the releasing and setting at Liberty* Molatto *and* Negro *Slaves :* See, Additional Acts, 4 *A* ca 6. 6 *A.* ca. 2.

For Prevention whereof for the future :

Be it declared and enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That no Molatto or Negro Slave shall hereafter be manumitted, discharged or set free, until sufficient Security be given to the Treasurer of the Town or Place where such Person dwells, in a valuable Sum, not less than *fifty Pounds* ; to secure and indemnify the Town or Place from all Charge for or about such Molatto or Negro, to be manumitted and set at Liberty, in Case he or she by Sickness, Lameness or otherwise, be rendred uncapable to support him or her self. Security to be given for Molatto's or Negroes set free.

And no Molatto or Negro hereafter manumitted shall be deemed or accounted free, for whom Security shall not be given as aforesaid ; but shall be the proper Charge of their respective Masters or Mistresses, in Case they stand in Need of Relief and Support ; notwithstanding any Manumission or Instrument of Freedom to them made or given : And shall also be liable at all Times to be put forth to Service by the Select-Men of the Town. None to be accounted free, for whom Security is not given.

Acts and Laws,

Passed by the Great and General Court or Assembly of Her Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and Held at *Boston* upon Wednesday the twenty-sixth of *May* 1703. And continued by Adjournment and Prorogations until Wednesday the twenty-seventh of *October* following, and then met.

CHAP. III.

An Act in addition to the Act for providing of Pounds, &c.

5 *W.* & *M.* ca. 11. 10 *W.* ca. 4.

WHEREAS it often happens, that the Owners of Cattle, Sheep *or* Swine *Impounded, notwithstanding due Notice thereof given them, neglect to compound or make Satisfaction for the Trespass and Dammage done, but suffer their Creatures to lie long Time in Pound, to the augmenting of Charge, and otherwise proving inconvenient:*

For Remedy whereof:

Justice of the Peace to make out a Warrant of Apprizement.

Be it declared and enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That if the Owner of any neet Cattle, Horses, Sheep or Swine impounded, being duly notified thereof, shall not within the space of forty eight Hours next after such Notice given, replevie his Creatures, or otherwise orderly obtain their Release; the Party trespassed upon, making Application to a Justice of the Peace, within the same County, for a Warrant of Apprizement; such Justice is hereby directed and impowred to make out a Warrant to two or more sufficient indifferent Persons, and to administer an Oath unto them, to make a due and equal Apprizement and Estimate of the Value of such Creatures, or so many of them as shall be sufficient to answer the Dammage, and all Charges: And the Party damnified may retain and keep the Creatures so apprized to his own Use, to make Sale of them at his Pleasure, rendring the Overplus of the apprized Value (if any be) to the Owner.

The Impounder to make Sale, or retain to his own Use.

CHAP. IV.

An Act to prevent Disorders in the Night.

Preamble.

WHEREAS great Disorders, Insolences and Burglaries are oftimes raised and committed in the Night-Time by Indians, Negro *and* Molatto *Servants and Slaves, to the Disquiet and Hurt of Her Majesty's good Subjects:*

For Prevention thereof:

Indian, Negro and *Molatto* Servants not to be abroad after nine at Night.

Be it enacted by his Excellency the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That no *Indian, Negro* or *Molatto* Servant or Slave, may presume to be absent from the Families whereto they respectively belong, or be found Abroad in the Night-Time after nine a Clock; unless it be upon some Errand for their respective Masters or Owners.

If found abroad or misbehave themselves, to be apprehended and sent to the House of Correction.

And all Justices of the Peace, Constables, Tything-Men, Watch-Men, and other Her Majesty's good Subjects, being Housholders within the same Town, are hereby respectively impowred to take up and apprehend, or cause to be apprehended any *Indian, Negro* or *Molatto* Servant or Slave that shall be found Abroad after nine a Clock at Night, and shall not give a good and satisfactory Account of their Business, make any Disturbance, or otherwise misbehave themselves;

selves; and forthwith convey them before the next Justice of the Peace (if it be not over-late in the Night) or to restrain them in the common Prison, Watch-House, or Constable's House, until the Morning; and then cause them to appear before a Justice of the Peace, who shall order them to the House of Correction to receive the Discipline of the House, and then be dismiss'd; unless they be charged with any other Offence, than Absence from the Families whereto they respectively belong, without Leave from their respective Masters or Owners. And in such Towns where there is no House of Correction, to be openly whipped by the Constable, not exceeding ten Stripes.

CHAP. V.

An Act relating to Executors and Administrators.

FOR the better preventing of Executors or Administrators doing of Wrong, or falsifying of the Trust in them reposed: 4. *W.* & *M.* ca. 2.

Be it declared and enacted by his Excellency the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That henceforth every Executor named in any Will, taking upon him that Charge by proving of such Will, within the space of three Months next after Probate thereof (or at such further and longer Time, as the Judge of Probate shall see meet to allow, the Circumstances of any Estate requiring the same) shall exhibit into the Register's Office upon Oath, a full and true Inventory of the whole Estate of the Deceased, so far as is then come to his Hands and Knowledge; and shall add thereto what and so much as may further afterwards appear: or otherwise shall give Bond, with one or more sufficient Sureties, to pay the Debts and Legacies of the Testator: on pain of forfeiting *five Pounds* per Month, for every Month's neglect thereof afterward, as is by Law provided for not presenting of a Will; and to be recovered in like Manner. Executors to exhibit an Inventory, or give Bond. Penalty for neglect.

Provided nevertheless, That in Wills, where, after the Payment of Debts, and of any certain particular Legacy or Legacies, the Residue or Remainder of the Estate, is bequeathed generally to any one or more Persons, other than the Executors themselves; in every such Case, an Inventory of the Estate shall be presented upon Oath as aforesaid, and no Bond be accepted in Lieu thereof: And the Executors shall be liable to Account as Administrators are by Law obliged to do. No Bond to be accepted where the Estate is bequeated in general.

And any Executor being a residuary Legatary, may bring his Action of Account against his Co-Executor or Executors, of the Estate of the Testator in their Hands; and may also sue for and recover his equal and rateable Part thereof. And any other residuary Legatary shall have like Remedy against the Executors. Executor being residuary Legatary may sue his Co-Executor.

And be it further enacted by the Authority aforesaid, That all Writs of Attachment and Execution shall run only against the Goods or Estate of the Party deceased in the Hands of his Executor or Administrator, and not against their Bodies; nor shall any Executor or Administrator be held to special Bail upon mean Process, nor his own proper Goods or Estate be seised, or his Person be arrested, or taken in Execution for the Debts or Legacies of the Testator or Intestate; but upon Suggestion of a Waste, and Return made by the Sheriff *Nulla Bona*, or *Devastavit*. Writs of Attachment, &c. not to go against the Body of the Executor or Administrator.

In which Case, a *Scire Facias* shall be issued out of the Clerk's Office of the same Court, against such Executor or Administrator, and *Scire Faci* being returned, if the Executor or Administrator shall make Default of Appearance; or coming in, shall not shew sufficient Cause to the contrary, Execution shall be adjudged *Scire Facias* to be granted on Suggestion of Waste.

and awarded againſt him of his own proper Goods and Eſtate, to the Value of ſuch Waſte, where it can be aſcertained, otherwiſe for the whole Sum recovered; and for want of Goods or Eſtate, againſt his Body.

Executors and Adminiſtrators to make Payment in Specie.

And be it further enacted and declared, That every Executor or Adminiſtrator, ſhall make Payment of the Debts and Legacies of the Teſtator or Inteſtate, in Specie, if ſuch he hath as Aſſetts in his Hands; and if he hath not the ſame in Kind, he ſhall expoſe the Eſtate to the Creditor or Legatary, to take his Satisfaction thereof, at his Election, at a due and equal Rate and Value by Apprizers then to be indifferently named and ſworn. And where Judgment and Execution ſhall be awarded for any Debt or Legacy to be paid in Money; and the Executor or Adminiſtrator hath not Money of the Teſtators or Inteſtates as Aſſetts in his Hands, the Sheriff ſhall levy the Goods or Eſtate of the Deceaſed, and expoſe the ſame to a publick and open Sale for Money, at the beſt Rate and Value that he can; and thereout pay ſuch Debt or Legacy, and his own Fees, with the neceſſary reaſonable Charges ariſing on the Sale, and return the Over-plus (if any be) to the Executor or Adminiſtrator: or elſe ſhall pay and ſatisfy the Creditor or Legatary out of the Goods, or Eſtate levyed, if he ſee Cauſe to accept the ſame, at the Value in Money, upon a due and equal Apprizement made by ſufficient Perſons upon their Oaths, to be indifferently named and appointed for that Purpoſe: Any Law, Uſage or Cuſtom to the contrary in any wiſe notwithſtanding.

The Eſtate to be expoſed to Sale.

CHAP. VI.

An Act relating to Appeals from Judgments in Bar or Abatement.

All Pleas in Bar or Abatement to be made originally in the Inferiour Court.

Be it enacted by his Excellency the Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame, That all Pleas in Bar or Abatement ſhall be made originally in the Inferiour Court, in Suits there brought, and at the firſt bringing forward thereof, before any iſſuable Plea made. And when a Writ ſhall by Judgment of Court be bar'd or abated, and the Plantiff or Demandant appeals from ſuch Judgment to the Superiour Court of Judicature; if upon hearing the Appeal, the Superiour Court, notwithſtanding the Pleas made in Bar or Abatement, adjudge the Writ to be good and well brought, they ſhall reverſe the Judgment of the Inferiour Court, and award to the Appellant his full Coſts at both Courts: And the next Seſſion of the Inferiour Court holden for the ſame County, ſhall proceed to Trial of the Merit of the Cauſe upon the ſame Writ, without any Delay, a new entry thereof being made.

Upon Reverſal of Judgment in Bar or Abatement the Cauſe to be ſent down to the Inferiour Court.

Goods, Eſtate and Bail to ſtand good.

And all Goods and Eſtate Attached, and Sureties or Bail given, ſhall continue and be a like reſponſable in Manner as is by Law provided, to ſatisfy the principal Judgment upon ſuch Trial, as if no intermediate Judgment had been rendred or given. And the ſame Rule and Method of proceeding to be obſerved in Appeals to be made from the Judgment in Bar or Abatement given by any Juſtice of the Peace, to the Inferiour Court of Common Pleas: Any Law, Uſage or Cuſtom to the contrary notwithſtanding.

The like Rule for Appeals from a Juſtice.

Saving.

Saving always, That in Suits wherein the Queen is concerned, upon the Superiour Court's reverſal of any Judgment given in Bar or Abatement, the ſaid Court ſhall proceed to try the Cauſe.

An Act,

Passed by the Great and General Court or Assembly of Her Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and Held at *Boston*, upon Wednesday the thirty-first of *May*, 1704.

CHAP. I.

An Act of Privilege to the Members of the General Assembly, and Judges of Assize.

UPON Consideration that several Members of the Council, and divers of the Representatives live in the remote Parts of the Province, and are occasioned to be at considerable Charge and Expence in travelling and attending of Her Majesty's Service in the Great and General Court or Assembly, over and above their stated Allowance by Law. As also, that the Judges of Assize are put to considerable Charge and Expence in riding of the Circuit : Preamble.

Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That every Member of the Council, each Representative of any Town or District, and each Judge of Assize within this Province, during their continuance in the said respective Offices, Employment and Trust ; shall enjoy the Privilege of having one Son or Servant, (such as they shall choose, dwelling in the House) exempted and freed from all Impresses, Detachments, and military Exercises ; except watching in their Turn, as the Law provides : Any Law, Usage or Custom to the contrary notwithstanding. Son or Servants exempted from Military Duty.

An Act,

Passed by the Great and General Court or Assembly of Her Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and Held at *Boston*, upon Wednesday the thirty-first of *May* 1704. And continued by Prorogation unto Wednesday the sixteenth of *August* following, and then met.

CHAP. II.

An Act against Counterfeiting the Bills of Credit on this Province.

WHEREAS by Reason of the pressure of the War, and the impossibility that the Money, Plate and Bullion within this Province, can support the Charge thereof ; the Government have thought it necessary for carrying on the publick Affairs, and answering of the present Demands of Soldiers and Seamen employed in the Service ; to order the imprinting, stamping and signing of a certain Number of Bills of Credit of several Sums, by Commissioners thereto duly authorized and impowred : Which Bills have been issued, and obtained a good Currency, and very much facilitated a Dispatch of the necessary Occasions of the War ; and have also been of great Advantage to Trade. Nevertheless some ill disposed and wicked Persons designing the Hurt of this Province, and of Her Majesty's good Subjects within the same ; and for base Lucre and Gain to themselves, have forged and uttered several counterfeit Bills, in Imitation of the twenty Shilling *Bill of Credit on this Province ; thereby imposing a vile Cheat and Cousenage on some less discerning and unwary Persons :* Additional Acts, 12 *A.* ca. 8. 13 *A.* ca. 2. 2 *G.* ca. 3. 7 *G.* ca. 4.

For Remedy and Prevention whereof :

Be it declared and enacted by his Excellency the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That whosoever shall presume to forge, counterfeit, or utter any Bill or Bills (knowing the same to be false and counterfeit) Penalty for making or uttering of counterfeit Bills.

feit) of the Tenor, or in Imitation of any of the Bills of Credit on this Province by Law eſtabliſhed ; or that ſhall counſel, adviſe, procure, or any Ways aſſiſt, in the forging, counterfeiting, imprinting, ſtamping or ſigning of any ſuch falſe Bills ; or engrave any Plate, or make any other Inſtrument to be uſed for that Purpoſe : Every Perſon and Perſons ſo offending, being thereof convicted, ſhall be puniſhed in ſuch Manner as is by Law provided againſt Forgery ; and be branded on the right Cheek with a hot Iron with the Letter F. And ſhall pay double Dammages to every Perſon known to be defrauded and cheated by the ſaid falſe Bills. And in Caſe the Offender or Offenders be not able to defrey the Charge of their Impriſonment, they ſhall be employed in and about any ſuch baſe ſervile Labour or Work, as any two Juſtices of Peace, *Quorum Unus*, ſhall order, for the defreying of their Priſon Charges and Support.

And ſhall alſo forfeit to Her Majeſty Her Heirs or Succeſſors, ſuch Part and ſo much of their Goods, Chattels, Lands or Tenements, as ſhall amount to treble the Sum and Sums expreſſed in the Bill or Bills ſo counterfeited or uttered ; to be applied for and towards the Support of the Government within this Province.

Reward for Diſcovery.

And be it further enacted by the Authority aforeſaid, That whoſoever ſhall make Diſcovery and give Information of ſuch vile wicked Practice, of making or knowingly putting off any falſe and counterfeit Bills, ſo that the Perſon or Perſons guilty thereof be rendred to Juſtice and convicted : every ſuch Informer ſhall have and receive as a Reward for his good Service therein, the Sum of *fifty Pounds*, to be ordered out of the publick Treaſury ; and to be repaid into the Treaſury out of the Offenders Goods or Eſtate, ſo far as that will extend, by Order of the Court where the Conviction ſhall be.

Penalty for altering the Bills of Credit, or Forgeing any Name, &c. thereto.

13 *A.* ca. 2.

And further be it enacted by the Authority aforeſaid, That every Perſon convicted of altering or increaſing the Sum or Figures ſet and expreſſed in any of the Bills of Credit on this Province ; or of forging or counterfeiting any Name, Hand, Stamp, or other private Mark, that ſhall or may hereafter be ordered to be made or ſet thereon, ſhall be puniſhed for either of the Offences aforeſaid, in the ſame Manner as is provided by Law for the Puniſhment of Forgery ; and be further ſentenced by the Court before whom the Conviction is, to pay treble Dammages to the Parties injured thereby.

Acts and Laws,

Paſſed by the Great and General Court or Aſſembly of Her Majeſty's Province of the *Maſſachuſetts-Bay* in *New-England*, Begun and Held at *Boſton* upon Wedneſday the thirtieth of *May* 1705. And continued by ſeveral Prorogations until Wedneſday the twenty-fourth of *October* following, and then met, being their third Seſſion.

CHAP. I.

An Act for regulating the Aſſize of Cask for Tar, Pitch, Turpentine and Rozin ; and for preventing Frauds and Deceits in the ſaid Commodities.

Additional Act,

7 *A.* ca. 3.

Be it enacted by his Excellency the Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame, That from and after the laſt of *March* next, *Anno* One Thouſand ſeven Hundred and ſix, all Cask made for Tar, Pitch, Turpen-

Turpentine and Rozin within this Province, shall be of the Gage and Assize following; *That is to say:* Barrels for Tar, to be thirty two Gallons; and half Barrels, sixteen Gallons; and none under: And Cask for Pitch, Turpentine and Rozin, to be of thirty five Gallons; and made of sound well seasoned Timber. And that each Cooper shall set his distinct Brand-Mark on all his Cask so made for those Commodities. Gage of Cask. To be Brande mark'd.

And that there be a fit Person or Persons nominated and appointed annually in all Places where the said Commodities are made or vended, to be Gagers, Viewers and Surveyers of Cask made for the aforesaid Commodities; and mark such as they find Merchantable and of due Assize: For which Service the Cooper that employs them, shall pay *sixteen Pence* per Ton, for what they shall mark. And the Select-Men of every Town in this Province, where such Commodities are made or vended, shall choose and appoint a fit Person or Persons some Time in the Month of *March* annually, not only for Gaging the Cask before they are filled; but for searching and proving them afterwards, and marking such Cask as they find Merchantable, with such Mark as the Select-Men of the Town shall appoint; which Officers shall take the Oath appointed by this Act, to be administred by such as do Swear Town Officers in the respective Towns. Viewers and Gagers to be appointed. Their Fee.

And be it further enacted by the Authority aforesaid, That the Persons so appointed and sworn to be Gagers, Surveyors and Searchers of Cask, Tar, Pitch, Rozin and Turpentine; shall at all seasonable Times on due Notice given them, attend and perform the said Service of Gaging Cask, and Surveying and Searching Tar, Pitch, Turpentine and Rozin; by cleansing the Tar of Water, and filling it up with good Tar; and examining of the Turpintine, by broaching it on the Head opposite to the Bung, for the better Discovery of Dirt and Chips, and over-great Bungs and other Frauds. Gagers, &c. to attend the Service.

And also to see that Rozin and Pitch be well made, and the Cask well filled and without Deceit, after the best Manner that may be; and to mark such Cask of the aforesaid Commodities as they find Merchantable, with the Mark appointed for each Town: For which Service the Officer shall receive *two Shillings* per Ton for such Cask of Tar, Pitch, Rozin and Turpentine, as he shall so examine and mark; besides *three Pence* per Mile for travel above one Mile. And if the Owner of the aforesaid Commodities, or Maker of the Cask that are marked, refuse to satisfy the Officer for his Fees aforementioned, he shall have Power to detain so much of the Commodity as will make him Satisfaction for his Fees and Travel aforesaid: And if the Owner do not redeem it within twenty-four Hours, then to expose it to Sale; and out of the Proceeds to satisfy himself his Fees and Charges, returning the Over-plus (if any be) to the Owner. Their Fees. Power to distrain.

And be it further enacted by the Authority aforesaid, That if any Cooper shall expose any Cask for the aforementioned Commodities to Sale, without his own and the Gagers Marks; all such unmark'd Cask shall be forfeited. Penalty on Coopers for selling Cask unmark'd.

And if any Person shall put up Turpentine into any Cask of the aforesaid Gage without straining out the Chips and Bark (as much as may be) he shall forfeit every Barrel of Turpentine so filled. Turpentine not to be put up without Straining.

And if any Person shall be convicted of using any Frauds or Deceit in putting up or filling any Cask with Tar, Pitch, Rozin or Turpintine; he shall pay a Fine of *twenty Shillings* for each Cask of any of the aforesaid Commodities in which any Fraud shall be discovered; or be publickly whipped, as the Court of General Sessions of the Peace, that shall have the Cognizance thereof shall determine, and pay the Charge of Prosecution; and the aforementioned Commodities in which the Deceit shall be found, shall be forfeited. Penalty for Fraud.

And be it further enacted, That in each Sea Port Town within this Province, where the aforesaid Commodities, (or any of them) are usually shipped to go beyond Sea; the Court of General Sessions of the Peace in each County respectively, wherein such Sea Port lies, shall, at their first Session in the Spring annually, nominate and appoint, one or more suitable Persons to be Surveyors, Gagers and Searchers of Tar, Pitch, Turpentine or Rozin: Which Officer shall when Court of Sessions of the Peace to appoint Surveyors, Gagers and Searchers in Sea Port Towns.

when he is desired, View, Gage and Search all such Casks of the aforesaid Commodities as shall be presented to his View, and mark each Cask that he finds Merchantable, on the fairest Head, with such Mark as the Sessions of Peace shall appoint; for which Service they shall be paid by the Shipper *two Pence* for each Cask so marked. And the said Officers shall be Sworn by the Sessions that appointed them, to the faithful discharge of their Office, or by two Justices of the Peace. And every such Surveyor is hereby impowred, by and with a general Warrant to be made out for that Purpose by the Governour and Vice-Admiral for the Time being, to search all Ships and other Vessels, wherein he shall be informed or suspect, that any Tar, Pitch or Rozin is shipped contrary to this Act.

Their Fees.

To search Ships by Warrant from the Governour.

And it is further enacted, That no Cask of Tar, Pitch, Rozin, or Turpentine shall be exported without marking as the Law directs. And if any Master of any Ship or Vessel, or any other Person belonging thereto, shall take or receive on Board any such Ship or Vessel any Tar, Pitch, Rozin or Turpentine not so marked; he or they who shall offend therein, and be convicted thereof, shall forfeit *five Shillings* for each unmarked Cask so taken on Board contrary to Law; and pay the Costs of Prosecution, over and above the Forfeiture of the Goods so unduly shipped.

Cask to be mark'd before shipping.

Penalty for neglect.

And it is further enacted by the Authority aforesaid, That all Fines, Penalties and Forfeitures arising by Force and Virtue of this Act, shall be one Half to the Use of the Poor of the Town where the Offence shall be discovered; and the other Half to him or them that shall inform and sue for the same in any of Her Majesty's Courts of Record within this Province.

Fines and Forfeitures how to be disposed.

And be it further enacted, That an Oath shall be administred to the Officers that shall be chosen to Gage, Survey and Search Tar, Pitch, Rozin and Turpentine, in the Form following: *viz.*

YOU-------Swear, diligently and faithfully to intend the Office of-------that you are appointed unto, within the Town of--------and to discharge the Duty and Trust thereby required of you impartially after your best Skill and Cunning according to Law. So help you GOD.

Oath.

Any Law, Usage or Custom to the contrary notwithstanding.

CHAP. II.

An Act in Addition to the Act for due Regulation of Weights and Measures.

Sealer his Duty & Fee. 4 *W. & M.* ca. 13. 12 *W.* ca. 11.

BE it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That the Sealer appointed in each Town within this Province, from Time to Time, as by the Act Intitled, *An Act for due Regulation of Weights and Measures*, is directed; shall be and is hereby impowred to go to the Houses of such of the Inhabitants as upon Warning given in Manner as by the said Act is appointed, shall neglect to bring or send in their Beams, Weights and Measures, to be proved and sealed at the Place assigned for that Purpose, and shall there Prove and Seal the same; and shall demand and receive of the Owner for every Beam, Weight and Measure proved and sealed *two Pence*, and no more: And every Person that shall refuse to have their Beams, Weights and Measures viewed, proved and sealed, shall forfeit the Sum of *five Shillings*; one Moiety thereof to the Use of the Poor of the Town, and the other Moiety to the Sealer; to be recovered in Manner as by the aforesaid Act is provided. And if any Person shall bring his Beam, Weights or Measures to be proved and sealed at any other Time than on the Day or Days set by the Sealer for that Purpose, he shall in like Manner pay *two Pence* for each that shall be tried and sealed.

Penalty on Persons refusing to have their Weights and Measures sealed.

And

And be it further enacted by the Authority aforesaid, That if any Person from and after the first Day of *May*, One Thousand seven Hundred and six, shall sell, vend or utter any Goods, Wares, Merchandizes, Grain or other Commodities whatsoever, by other Beams, Weights or Measures than such as shall be proved and sealed, as the Law requires; the Person so offending shall lose and forfeit the Sum of *five Shillings* for each Offence of that Kind; one Moiety thereof to the Use of the Poor of the Town where the Offence shall be committed, and the other Moiety to the Sealer or Informer, who shall prosecute the same; to be heard and determined by one or more of Her Majesty's Justices of the Peace. Penalty for weighing with Beams or Weights unseal'd.

And be it further enacted by the Authority aforesaid, That there be provided by the Treasurer of this Province, a good Beam and Scales, and a Nest of Troy Weights, from one Hundred twenty eight Ounces downward to the least Denomination, marked with the Mark or Stamp used in Her Majesty's Exchequer, for a publick Standard. And that from and after the first Day of *October*, One Thousand seven Hundred and six, each Town within this Province shall, at their own Cost, and by the Care of the Select-Men or Town Treasurer, be provided with a Nest of Troy Weights of a different Form, from Averdupoize, the biggest, not to be less than eight Ounces: As also Penny Weights and Grains, proved by the publick Standard, each to be marked the Number of Ounces, Penny Weight or Grains which it contains; to be for their Town Standards; on Penalty of forfeiting the Sum of *five Pounds*, to the Use of the County in which any Town lies that shall neglect to be so provided; by which all Troy Weights within such Town shall be proved and sealed by the Sealer thereto appointed, who shall be paid after the Rate of a *Farthing* per Weight for every such Weight which he shall Prove and Seal. And if any Person shall presume to weigh any Silver, Bullion or other Species whatsoever, proper and used to be weighed by Troy Weights, by any other Weights, or by any Beam or Troy Weights, not proved and sealed as aforesaid; the Person so offending shall forfeit the Sum of *five Shillings*, to be recovered and disposed of in Manner as is herein before provided, for selling by other Weights and Measures unsealed. Beams, Scales and Nest of troy Weights to be provided by the Treasurer. Towns to be provided with a Nest of Troy Weights. Penalty for Neglect. None to weigh Silver or Bullion *&c.* by any other Weights

And be it further enacted by the Authority aforesaid, That all Beams, Weights and Measures kept for Standards in the several Towns shall be proved and tried by the publick Standard at the end of ten Years, from Time to Time. And all Town Standards shall be stamp'd with this Mark, *viz. N. E.* Any Law, Usage or Custom to the contrary notwithstanding. Town Standards to be prov'd once in ten Years by the Publick, and to be marked.

And be it further declared, That the Sealer is hereby enjoined and required to go to the Houses or Store-Houses of Merchants and others that usually weigh with great Beams and Weights, and there Prove and Seal the same: for which he shall be paid by the Owner of such Beam and Weights, his reasonable Charge of carrying the Standards; and *eight Pence* per Hour for his Time in attending that Service, over and above the Fee herein before appointed. Sealer to go to Merchants Houses, *&c.*

CHAP. III.

An Act in Addition to and Explanation of the Act relating to Sureties upon Mean Process in Civil Actions.

Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That upon special Bail given in any Civil Action according as is set forth in the Act Entitled, *An Act relating to Sureties upon mean Process in Civil Actions*: it shall be lawful for the Surety or Sureties at any Time or Times before the Judgment given in such Cause be affirmed against such Surety or *5 W. & M. ca. 6.*

Principal to be rendred in Court before Judgment affirmed upon *Scire Facias*.

Sureties discharg'd upon rendring the Principal, and paying of Costs.

or Sureties, upon a Writ of *Scire Facias* brought, as by the said Act is provided, to bring the Principal into Court, and move to be discharged; and the Court upon such Motion made, shall order the Principal to be taken into Custody of the Sheriff, who shall detain him by the space of thirty Days, that so the Creditor by that Time may take his Body in Execution, if he think fit; and in Case he be not served with Execution before the expiration of the said thirty Days, the Sheriff at the End thereof shall release him upon the Payment of his Prison Charges. And the Sureties from and after the rendring of the Principal in Court as aforesaid, and then paying to the Creditor the Cost he has been at for bringing forward his Suit by *Scire Facias*, to be adjusted in Court, shall be discharged from their Suretiship in like Manner as if they had rendred the Principal in Court at the Time of entring up of the Judgment, as is before provided: Any Law, Usage or Custom to the contrary notwithstanding.

No Justice of either Bench to be a Judge or Attorney in any Case determined by him as Justice of Peace.

For the more equal and impartial Administration of Justice:

Be it declared and enacted, That no Justice of the Superiour, or of any Inferiour Court of Pleas within this Province, shall have a Voice in judging or determining of any Civil Action which has before been heard and determined by him singly, as a Justice of Peace, and his Judgment appealed from; nor shall he be admitted an Attorney to plead or defend any such Cause.

CHAP. IV.

An Act to prevent Fraud in Cord-Wood exposed to Sale.

Additional Act. 9 *A.* ca. 4.

Measure of a Cord of Wood.

Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That all Cord Wood exposed to Sale, shall be four Foot long, accounting to half the Carf; and the Cord being well and close laid together, shall measure eight Feet in length, and four Feet in height.

Wood Corders to be appointed and sworn.

Fee. 9 *A.* ca. 4.

And in every Town and District within this Province where Wood is usually sold by the Cord, the Select-Men shall annually nominate and appoint some meet Persons to be Wood Corders; who shall be sworn in like Manner as other Town Officers, to the faithful Discharge of their Office, and shall diligently attend that Service; and demand and receive *three Pence*, and no more per Cord for all Wood that shall be corded by them.

CHAP. V.

An Act against Burning of Houses.

Burning of Houses declared to be Felony.

Be it declared and enacted by his Excellency the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That if any Person of the Age of sixteen Years and upwards, shall willingly and maliciously, by Day or Night, burn the dwelling House of another, or other House Parcel thereof; or any House built for publick Use; any Barn having Corn, Grain or Hay therein; any Mill, Malt-House, Store-House, Shop or Ship: The Person so offending as aforesaid, shall be deemed and adjudged to be a Felon; and shall suffer the Pains of Death accordingly.

CHAP.

CHAP. VI.

An Act for the better preventing of a spurious and mixt Issue, &c.

BE it enacted by his Excellency the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That if any Negro, or Molatto Man shall commit Fornication with an English Woman, or a Woman of any other Christian Nation within this Province; both the Offenders shall be severely whipped at the Discretion of the Justices of Assize, or Court of General Sessions of the Peace within the County where the Offence shall be committed; And the Man shall be ordered to be Sold out of the Province, and be accordingly sent away within the space of six Months next after such Order made; And be continued in Prison at his Master's Charge, until he be sent away. And the Woman shall be enjoyned to maintain the Child (if any there be) at her own Charge: And if she be unable so to do, she shall be disposed of in Service to some of Her Majesty's Subjects within the Province, for such Term as the Justices of the said Court shall order, for the Maintenance of the Child.

Penalty for a Negro or Molatto Man, committing Fornication with a Christian Woman.

And if any English Man, or Man of other Christian Nation within this Province, shall commit Fornication with a Negro, or Molatto Woman, the Man so offending shall be severely whipped, at the Discretion of the Justices of the Court of Assize, or Court of General Sessions of the Peace, before whom the Conviction shall be; and shall also pay a Fine of *five Pounds* to Her Majesty, for and towards the Support of the Government; and be enjoined to maintain the Child, if any there be: And the Woman shall be sold, and sent out of the Province, as aforesaid.

Penalty for a Christian Man committing Fornication with a Negro or Molatto.

And if any Negro or Molatto shall presume to smite or strike any Person of the English, or other Christian Nation; such Negro or Molatto shall be severely whipped, at the Discretion of the Justices before whom the Offender shall be convicted.

Penalty for a Negro or Molatto striking a Christian.

And be it further declared and enacted by the Authority aforesaid, That none of Her Majesty's English or Scottish Subjects; nor of any other Christian Nation within this Province, shall contract Matrimony with any Negro, or Molatto. Nor shall any Person, duly authorized to solemnize Marriages, presume to join any such in Marriage; on Pain of forfeiting the Sum of *fifty Pounds*; one Moiety thereof to Her Majesty, for and towards the Support of the Government within this Province; and the other Moiety to him or them that shall inform and sue for the same, in any of Her Majesty's Courts of Record within the Province, by Bill, Plaint or Information.

No Christian to Marry with a Negro or Molatto.

Penalty for joyning any such in Marriage.

And no Master shall unreasonably deny Marriage to his Negro, with one of the same Nation: Any Law, Usage or Custom to the contrary notwithstanding.

And be it further enacted by the Authority aforesaid, That from and after the first Day of *May*, in the Year one Thousand seven Hundred and six, every Master of Ship or Vessel, Merchant or other Person, importing or bringing into this Province, any Negro or Negroes, Male or Female, of what Age soever, shall enter their Number Names and Sex in the Impost Office; and the Master shall insert the same in the Manifest of his Lading; and shall pay to the Commissioner and Receiver of the Impost *four Pounds* per Head for every such Negro, Male or Female: And as well the Master, as the Ship or Vessel wherein they are brought, shall be Security for Payment of the said Duty; and both or either of them shall stand charged in the Law therefore to the Commissioner; who may deny to grant a Clearing for such Ship or Vessel, until Payment be made; or may recover the same of the Master, (at the Commissioner's Election) by Action of Debt, Bill, Plaint or Information in any of Her Majesty's Courts of Record within this Province.

All Negroes Imported, to be entred & Duty paid.

Master and Ship both Security for the Duty.

And if any Master of Ship or Vessel, Merchant or others shall refuse or neglect to make Entry as aforesaid, of all Negroes imported in such Ship or Vessel;

or be convicted of not entring the full Number ; such Master, Merchant or other Person shall forfeit and pay the Sum of *eight Pounds*, for every one that he shall refuse or neglect to make entry of ; one Moiety thereof to HerMajesty for and towards the Support of the Government of this Province, and the other Moiety to him or them that shall inform of the same, to be recovered by the Commissioner in Manner as aforesaid.

Penalty for not entring of Negroes.

And if any Negro imported as aforesaid, for whom the Duty is paid, shall be again exported within the space of twelve Months, and be *bona fide* sold in any other Plantation ; upon due Certificate thereof produced, under the Hand and Seal of the Collector or Naval Officer in such other Plantation, the Importer here shall be allowed to draw back the whole Duty of *four Pounds* by him paid ; and Order shall be given accordingly. And the like Advantage of the draw back shall be allowed to the Purchaser of any Negro sold within this Province, in Case such Negro happen to die within the space of six Weeks next after Importation, or bringing into this Province.

Draw back upon Exportation, &c.

Acts and Laws,

Passed by the Great and General Court or Assembly of Her Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and Held at *Boston*, upon Wednesday the twenty-ninth of *May*, 1706.

CHAP. I.

An Act for the better securing the Payment of Prison Charges.

Quinto Annæ

WHEREAS Persons are oft-times arrested and imprisoned for Debt, or Pretence thereof, not having wherewith to pay their Prison Charges ; and the Goaler or Prison Keeper, is constrained to feed and support them at his own Charge, to his great Loss :

For Prevention whereof :

Be it enacted by his Excellency the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That if any Attorney, Practitioner in the Law, or others, shall cause any Person to be arrested and imprisoned upon mean Process for Debt or Pretence thereof, and the Prisoner be unable or have not wherewith to pay his Prison Charges ; the Person at whose Suit he is committed, his Attorney or Lawyer that took out and caused such Writ to be served ; in Case the Principal be out of this Province or Government, shall stand charged for the Prisoner's Fees, Diet and other necessary Charges, for so long Time as he shall be held and detained in Prison upon such Process ; no further Prosecution being had thereon to a Judgment in Law, and be liable to the Goaler or Prison-Keeper's Action for the same : Any Law, Usage or Custom to the contrary notwithstanding.

Attorney's liable, in case.

CHAP. II.

An Act for a new Choice of Town Officers on special Occasions.

Town Officers may be Chosen at any other Meeting than that of *March*, in case. 4 *W.* & *M.* ca. 12.

Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That when by Reason of the Non-Acceptance, Death or Removal of any Person or Persons chosen to Office in any Town at the general annual Meeting for the Choice of Town Officers, there happens to be a Vacancy or Want of such Officers ; the Town being orderly assembled, upon due Warning given and Notice of the Occasion, may proceed to a new Choice of Officers to supply and fill up such Vacancy, at any other Town Meeting, the Restriction of the Choice of Town Officers by Law to the Month of *March* annually notwithstanding.

CHAP.

CHAP. III.

An Act for erecting a Powder-House within the Town of *Boston.*

WHEREAS for the better securing and safe keeping of the publick Stock of Gun-Powder, *and preventing the great Loss and Danger by Casualties befalling the same: and considering the imminent hazard of keeping Powder in Store-Houses with other Goods and Merchandizes; or in, or near to dwelling Houses: The Government have thought it necessary to order the erecting and building of a publick Magazine or Powder-House on the Common or Training-Field in* Boston: Preamble.

Be it therefore enacted by his Excellency the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That from and after the building and fitting the said House for the receiving and lodging of Gun-Powder, all Gun-Powder imported and landed at the Port of *Boston,* shall be brought to and lodged in the said Magazine or Store, and not elsewhere; on Pain of Confiscation of all Powder put or kept in any other House or Place; one Moiety thereof to and for the Use and Supply of the publick Store of the Province, and the other Moiety to the Informer; to be recovered by Bill, Plaint or Information in any of Her Majesty's Courts of Record within the same. Penalty of lodging Powder in other Place, but the Publick Powder House.

Saving nevertheless, The ordinary Town Stocks of *Boston* and *Charlestown* from Time to Time; the Fortifications and Garrisons immediately under the Governour's Command; the Quantity of *fifty Pounds* at a Time in a Shop for Sale; and such Part of the publick Stores as shall be directed by the Governour and Council, from Time to Time: to be lodged in other Place or Places. Saving. See. Resolve at the end of this Act.

And be it further enacted by the Authority aforesaid, That for all Powder belonging to Merchants or other private Persons put into the said Magazine, there shall be paid to the Use of the Province, *one Shilling* per Barrel at the Receipt thereof; and *six Pence* per Barrel per Month, for three Months next after the first; and then *four Pence* per Barrel per Month, during it's lying there: Out of which (if there be sufficient to answer it,) the Charge of looking after the said House, and the Powder lodged there, shall be defreyed from Time to Time. The Governour and Council to give necessary Instructions and Orders from Time to Time, as they shall think fit, for regulating the keeping of all Powder put into the said Magazine, for the preserving thereof; and that it be turned once a Month at the least. Payment for Merchants Powder. Governour & Council to give Instructions, &c.

And the Keeper of the said House shall duly attend at proper Hours to be assigned by the Governour and Council, for the receiving and delivering out of Merchants Powder. Keeper of the House to attend.

And if at any Time the Payment for Merchants Powder (an Account whereof shall be rendred on Oath) will not defrey the Charge of looking after the said House, so much as is wanting, shall be paid out of the publick Treasury. How the Charge of Keeping the House is to be defreyed.

[*At a Great and General Court held at* Boston, *on the second Day of* March, 1721. *Question,* Whether in the Act Intitled, *An Act for erecting of a Powder-House in the Town of* Boston, *made in the fifth Year of Queen* Anne; *the Saving therein mentioned doth not intend all the Gun-Powder belonging to the Province?*

Resolved in the Affirmative; and that it is to be construed and understood of all Powder removed by Order of the Governour and Council for the Province Service.]

CHAP. IV.

An Act for the better preventing of Criminals avoiding of Juſtice.

Be it declared and enacted by his Excellency the Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame, That all Warrants and Summons in Criminal Matters, iſſuing out of the Clerk's Office of the Court of General Seſſions of the Peace for any County, upon Complaint, Preſentment or Indictment lying before ſuch Court; ſhall run through the ſeveral Counties within the Province, and be duly executed by the Officer or Officers to whom they are directed, according to the Tenor thereof; as is already by Law provided for Writs in Civil Cauſes.

Warrant &c. out of the Clerk of the Peace Office To run thro' the Province.

11 *W.* ca. 2.

Acts and Laws,

Paſſed by the Great and General Court or Aſſembly of Her Majeſty's Province of the *Maſſachuſetts-Bay* in *New-England*, Begun and Held at *Boſton*, upon Wedneſday the twenty-eighth of *May*, 1707.

CHAP. I.

An Act in Addition to the Act directing how Rates or Taxes to be granted by the General Aſſembly, ſhall be aſſeſſed and collected.

WHEREAS the ſeveral Towns within this Province are by Law impowred annually to chooſe Aſſeſſors diſtinct from the Select-Men, for the aſſeſſing of the Towns proportion of all publick Taxes laid from Time to Time, by Order of the General Aſſembly:

Be it declared and enacted by his Excellency the Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame, That the Aſſeſſors from Time to Time choſen in each Town diſtinct from the Select-Men, ſhall be the Aſſeſſors of ſuch Town's Proportion alſo, to the County and Town Charges: who ſhall likewiſe be under Oath to the Diſcharge of that Truſt, according to the Rules and Directions in the Law in that Reſpect, and to be under the like Penalty for not accepting and ſerving as is by Law directed for the Province Tax.

Aſſeſſors.

Collectors

And every Town may chooſe a Collector or Collectors for the gathering of the County and Town Charges, if the Inhabitants ſhall think fit; as the Law provides for the Province Taxes: Any Law, Uſage or Cuſtom to the contrary notwithſtanding.

CHAP. II.

An Act for the regulating of free Negroes, &c.

WHEREAS in the ſeveral Towns and Precincts within this Province, there are ſeveral free Negroes and Molattoes able of Body, and fit for Labour; who are not charged with Trainings, Watches, and other Services required of Her Majeſty's Subjects; whereof they have Share in the Benefit:

Preamble.

Be

Be it enacted by his Excellency the Governour, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame, That the Select-Men of each Town or Precinct, be, and hereby are impowred to Order and Require ſo many Days Work yearly of each free Male Negro, or Molatto, able of Body, dwelling within ſuch Town or Precinct; in repairing of the High-Ways, cleanſing the Streets; or other Service for the common Benefit of the Place, as at the Diſcretion of the Select-Men, may be judged an Equivalent to the Services performed by others, as aforeſaid. Negroes, &c. to do Service Equivalent to Trainings &c.

And every Negro or Molatto as aforeſaid, being duly warned by the Select-Men, or other Perſon appointed by them, that ſhall neglect or refuſe to attend and perform the Labour and Service at the Place and Time, as he is directed; ſhall forfeit and pay to the Uſe of the Poor of ſuch Town or Precinct *five Shillings* per Diem, for each Days neglect of his Duty in that Reſpect. Penalty for neglect.

And be it further enacted, That all free Male Negroes, or Molattoes, of the Age of ſixteen Years and upwards, able of Body, in Caſe of Alarm, ſhall make their Appearance at the Parade of the military Company of the Precinct wherein they dwell; and attend ſuch Service as the firſt Commiſſion Officer of ſuch Company ſhall direct, during the Time the Company continues in Arms; on Pain of forfeiting the Sum of *twenty Shillings*, to the Uſe of the Company, or performing eight Days Labour, as aforeſaid; without reaſonable Excuſe made and accepted, for not attending. To attend in caſe of Alarm.

And be it further enacted, That every free Negro or Molatto, who ſhall harbour or entertain any Negro or Molatto Servant in his or her Houſe, without the Leave and Conſent of their reſpective Maſters or Miſtreſſes; ſhall forfeit and pay the Sum of *five Shillings*, to the Uſe of the Poor of the Town, for each Offence. Not to Harbour Servants.

And if any Negro or Molatto as aforeſaid, ſhall be unable to pay his or her Fine; or ſhall neglect or refuſe to attend the Labour aſſign'd him as aforeſaid; any of Her Majeſty's Juſtices upon Complaint thereof made, are hereby impowered to commit ſuch Delinquent to the Houſe of Correction, there to receive the Diſcipline of the Houſe, and to be kept to hard Labour double the Number of Days aſſigned him to Work as aforeſaid; or as is the Sum of his or her Fine, at the Rate of *one Shilling* per Diem. Puniſhment in Caſe of not paying their Fines.

Acts and Laws,

Paſſed by the Great and General Court or Aſſembly of Her Majeſty's Province of the *Maſſachuſetts-Bay* in *New-England*, Begun and Held at *Boſton*, upon Wedneſday the twenty-ſixth Day of *May*, 1708.

CHAP. I.

An Act in Addition to and Explanation of the Act for prevention of common Nuſances.

WHEREAS in the Act Intitled, An Act for Prevention of common Nuſances ariſing by Slaughter-Houſes, Still-Houſes, Tallow-Chandlers and Curriers, made and paſs'd in the fourth Year of the Reign of King William *and Queen* Mary; 4 *W. & M.* ca. 8.

It is directed and ordered, "That there be Houſes ſpecially aſſign'd for "the killing of Meat, Diſtilling, trying of Tallow, and currying of Leather, "where they may be leſs offenſive: And that the ſaid Callings be exerciſed "in no other Places:

Be it declared and enacted by his Excellency the Governour, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame, That the dreſſing of Leather, either with Lime

Leather Dressers comprehended under the Denomination of Curriers.

Lime, Allum or Oil; and particularly the latter, is intended, comprehended, and so to be understood in the said Act under the Denomination of Curriers; and is hereby declared a common Nusance; and forbidden under the Pains and Penalties in the said Act mentioned.

CHAP. II.

An Act in addition to the Act for the Relief of Idiots and distracted Persons.

WHEREAS in and by the Act Intitled, An Act for the Relief of Idiots and distracted Persons; *made and pass'd* Sexto Willielmi *et* Mariæ, *the Justices of the Superiour Court of Judicature are directed and impowred to licence and authorize the Select-Men or Overseers of the Poor of the Town or Place whereto such impotent or distracted Person belongs; or such others as the said Justices shall think fit, to make Sale of the Housing and Land of any such impotent or distracted Person; the Produce thereof upon Sale to be secured, improved and imployed to and for the Use Relief and Safety of such Person, as the Justices shall direct; as long as the Person shall live, or until he or she be restored to be of sound Mind: And the Overplus (if any be) to and for the Use of the next and right Heirs of such Party: which Uses being so restrained and limitted, the just Debts of the Party (in Case such there be) cannot be paid thereout; which exposes the Estate to Loss and Charge of Law-Suits for recovery thereof:*

6 W. & M. ca. 2.

Estate of Distracted Persons, subject to the Payment of their Debts.

Be it therefore declared and enacted by his Excellency the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That the Goods, Chattels, Housing and Lands of any impotent or distracted Person, or the Produce thereof upon Sale made, by Licence and Impowerment as aforesaid, be subject in the first Place, and be accordingly so directed and applied to the Payment of the just Debts owing by such Person, which were contracted before the Time of his or her Distraction: Any Restriction or Limitation in the afore-recited Act, Law, Usage or Custom to the contrary notwithstanding.

An Act,

Passed by the Great and General Court or Assembly of Her Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and Held at *Boston*, upon Wednesday the twenty-sixth Day of *May*, 1708. And continued by several Prorogations unto Wednesday the sixteenth of *February* following, and then met,

CHAP. III.

An Act in addition to the Act for regulating the Assize of Cask for Tar, Pitch, Turpentine, &c. and for preventing Frauds and Deceit in the said Commodities.

4 *A.* ca. 4.

BE it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That all Persons from and after the Publication of this Act, who are Makers or Drawers of Tar, Pitch, Turpentine and Rozin

Rozin in any Town within this Province, shall after the making thereof, and before they expose the same to Sale, set the first Letters of their Names, with a Brand-Mark, on the best Head of the Barrel they put it up in; and shall also cause the same first to be searched by the Searcher: and upon his Certificate, to be entred by the Town Clerk, in a particular Book for that End, with the Name of the Owner, Time of Entry, and Mark, in the Head of every Barrel; in the Town where the Maker or Drawer lives. And the Town Clerk shall be paid by the Owner thereof for recording and giving out Certificate, the Sum of *six Pence* for each Parcel. And all Tar, Pitch Turpentine and Rozin that shall be sold, disposed of or transported out of the Town where it is made, before it be searched, marked, both with the Marker and Searcher's mark, and recorded as aforesaid, shall be forfeited. And if any Man shall presume to counterfeit another Man's Mark on any of the said Commodities, he shall pay as a Fine the Sum of *four Pounds* for each Barrel he shall make a counterfeit Mark upon.

Tar, &c. to be Mark'd on the head with a brand Mark & upon Certificate from the Searcher to be registred

Town Clerk's Fee for Register & Certificate.

Penalty for Counterfeiting the Mark.

And the respective Officers appointed and to be appointed in each Sea-Port-Town within this Province, to Search, Survey and Gage all Tar, Pitch, Turpentine and Rozin, according to the Law, shall be paid for all of the said Commodities, that shall be exported out of the Province, by the Shipper, the Sum of *three Pence* per Barrel, for their Service therein, instead of the *two Pence* per Barrel in the Law already enacted.

Fee for Searching before Shipping.

And it is further enacted by the Authority aforesaid, That all Fines, Penalties and Forfeitures arising by Force and Virtue of this Act, shall be the one Half to the Use of the Poor of the Town, where the Offence shall be discovered, and Seizure made; and the other Half to him or them that shall inform and sue for the same, in any of Her Majesty's Courts of Record within this Province: Any Law, Usage or Custom to the contrary notwithstanding.

Fines & Forfeiture how to be disposed

An Act,

Passed by the Great and General Court or Assembly of Her Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and Held at *Boston*, upon Wednesday the twenty-fifth Day of *May*, 1709.

CHAP. I.

An Act for the Upholding and Regulating of Mills.

Preamble.

WHEREAS frequently there are divers Partners, Owners of Mills erected for the common Use and Benefit of the respective Towns wherein they are, and oft-times improved by the Inhabitants of Neighbouring Towns: And forasmuch as by Reason of Disagreement, Death or Decay of some of the Partners, or perplexity by Entail on their Descendants, Mills sometimes fall to despair, and are rendred useless and unserviceable, if not totally demolished, to the Hurt and Detriment of the Publick, as well as Loss to the other Partners, who stand ready to advance their Parts of the Charge for repairing, amending, or rebuilding of the same:

Additional Act. 12 *A.* ca. 9.

Be it therefore enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That when and so often as it shall happen any Mill, or Mills, Mill Dam, Flood Gates, Sluces, running Gear, or Appurtenances, to be demolished, broken, worn out, or stand in Need of Repair and Amendment, it shall and may be lawful to and for any one or more of the Partners, on Knowledge thereof, to notify and summon a general Meeting of the whole, at the said Mill or Mills, on a certain Day and Time, within fifteen Days next after the

Owners Meeting.

the issuing of such Notification or Summons, to consult and agree about the rebuilding or repairing of such Mill or Mills, or Appurtenances, or Defects therein, to make them serviceable.

Major Part of the Interested to direct.

And if any Partner being so notifyed, shall neglect to attend such Meeting, or being met shall refuse to agree with the major Part of the Interested for rebuilding, repairing and fitting up of such Mill or Mills, so as to make them serviceable, or to pay his Part of the Cost and Charge thereof, the rest of the Partners, being the major Part of the Interested, may direct and cause the same to be done, and shall be reimbursed and paid such Sum or Sums as they or any of them shall advance and disburse thereon, over and above their own respective Shares and Proportion, with Interest for the same in the Interim, out of the said Mill or Mills, or the Profits or Earnings thereof.

Advance for any Partner how to be Secured.

And it shall and may be lawful for them, and they are hereby impowred to demand, sue for, recover and receive the same accordingly: Any Law, Usage or Custom to the contrary notwithstanding.

Toll.

And be it further enacted by the Authority aforesaid, That every Miller shall be provided of Scales and Weights to weigh Corn to and from the Mill, if desired: And the Toll for grinding all sorts of Grain, shall be one sixteenth Part, and no more: Any Law, Usage or Custom to the contrary notwithstanding.

Saving.

Provided, That nothing herein contained shall be construed to annul or make void any particular Contract or Contracts made or to be made, respecting the Repairs of any Mill or Mills.

An Act,

Passed by the Great and General Court or Assembly of Her Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and Held at *Boston*, upon Wednesday the twenty-fifth Day of *May*, 1709. And continued by several Prorogations unto Wednesday the twenty sixth of *October* following, and then met.

CHAP. II.

An Act for regulating of Drains, and common Shores.

Preamble.

FOR preventing of Inconveniencies and Dammages by frequent breaking up the High Ways, Streets and Lanes in Towns, for the laying and repairing of Drains, or common Shores, and of Differences arising among Partners in such Drains, or common Shores, about their Proportion of the Charge for making or repairing the same:

Be it enacted by his Excellency the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That from and after the twenty-fifth Day of *March* in the Year of our Lord, One Thousand seven Hundred and ten, no Person may presume to dig or break up the Ground, in any High-Way, Street or Lane, within any Town, for the laying, repairing or amending of any Drain, or common Shore, without the Approbation and Consent of the Select-Men, signified in writing under the Hand of the Town-Clerk, on Pain of forfeiting *twenty Shillings*, to the Use of the Poor of such Town, to be levied by Warrant from any one of Her Majesty's Justices of the Peace; and to make good all Dammages occasioned by such Breach.

Penalty for digging or breaking up the Ground in any High-Way, Street, &c. without approbation.

Drains and common Shores to be regulated by the Select-Men.

And be it further enacted, That all Drains and common Shores for the draining of Cellars hereafter to be made or repaired in any Streets or High Ways, shall be substantially done with Brick or Stock, in such Manner as the Select-Men of the Town shall direct.

And

And that it shall and may be lawful to and for any one or more of the Inhabitants of any Town, at his or their own Cost and Charge, to make and lay a common Shore, or main Drain for the Benefit of themselves and others, that shall think fit to join therein. And every Person that shall afterwards enter his or her particular Drain into such common Shore, or main Drain; or by any more remote Means receive Benefit thereby, for the draining of their Cellars or Lands; shall be obliged to pay unto the Owner or Owners of such common Shore, or main Drain, a proportionable Part of the Charge of making or repairing the same; or so much thereof as shall be below the Place where any particular Drain joins or enters thereinto; at the Judgment of the Select-Men of the Town, or major Part of them. Liberty to lay a Main Drain or common Shore. Persons receiving Benefit thereby, to pay towards the Charge; at the Judgment of the Select-Men.

Saving a Right of Appeal to the Court of General Sessions of the Peace, to the Party aggrieved at any such Determination. Appeal.

Provided, This Act shall not extend to the altering of any particular Agreement or Contract, made betwixt Persons interested in any Drain or common Shore. Contracts saved.

An Act,

Passed by the Great and General Court or Assembly of Her Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and Held at *Boston*, upon Wednesday the twenty-fifth Day of *May*, 1709. And continued by several Prorogations unto Wednesday the first of *February* following, and then met.

CHAP. III.

An Act to prevent Nusances by Hedges, Wears, and other Incumbrances, obstructing the Passage of Fish in Rivers.

Be it enacted by his Excellency the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That no Wears, Hedges, Fish-garths, Stakes, Kiddles, or other Disturbance or Incumbrance, shall be set, erected or made, on or a-cross any River, to the stopping, obstructing or straitning of the natural or usual Course and Passage of Fish in their Seasons, or Spring of the Year, without the Approbation and Allowance first had and obtained from the General Sessions of the Peace in the same County: who are hereby authorized and impowred, on Application made to them at their Sessions, to grant Liberty for the same; or to deny it, as they shall see it to be either a publick Good or Damage; and so yearly from Time to Time, to be allowed or disallowed, as they shall direct. Obstruction of the Course of Fish in Rivers, by Wears, &c. a common Nusance.

And that all Wears, Hedges, Fish-garths, Stakes, Kiddles, or other Incumbrance whatsoever, set up and made, or hereafter to be levied, set up or made in, on, or a-cross any River, to the straitning, obstructing and stopping the natural, common or usual Passage of Fish, in the Spring or proper Seasons of the Year, without Approbation or Allowance first had and obtained for the same, in Manner as in and by this Act is directed; are declared to be a common Nusance, and shall be demolished and pulled down; not to be again repaired or amended. And that on Complaint made to the General Sessions of the Peace, or to any two Justices of the Peace, *Quorum Unus*, in their respective Counties; a Writ shall be granted to the Sheriff, or Constable of the Town where the Nusance is done, to cause the Party or Parties complained of, to be examined; and upon Conviction to remove the same; and to command suitable Assistance therefor, at the Cost and Charge of the Person or Persons so offending. None to be levied or set up, without Allowance of the Court of General Sessions of the Peace.

Provided, That nothing herein contained shall be construed to extend to the pulling down or demolishing of any Mill Dam already made, or that shall hereafter be lawfully and orderly made.

Acts and Laws,

Passed by the Great and General Court or Assembly of Her Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and Held at *Boston* upon Wednesday the thirty-first of *May*, 1710.

CHAP. I.

An Act for the better Regulating the Ferry over *Charles River*, betwixt *Boston* and *Charlestown*.

Nono Annæ.

6 *W.* & *M.* ca. 6. 8 *W.* ca. 7.

WHEREAS several Petitions have been humbly offered to this Court from Charlestown, Cambridge *and* Woburn, *signed by many of the Inhabitants of the said Towns; and of divers others, Inhabitants of the adjacent Towns within the County of* Middlesex, *complaining of great Remissness and Neglect of due Attendance of the said Ferry, to the very great Detriment of the Province; and having thereupon been attended by the Treasurer of the College (the Profits and Revenues of the said Ferry being granted to* Harvard *College in* Cambridge*) and seen the Lease by him made of the said Ferry for several Years yet to come.*

For redress of the Grievances complained of; and to the intent the said Ferry may be accommodated for the Good and Service of the Province, and of Her Majesty's Subjects within the same, much increased over what they were at the first settling of the Ferry, now become a great Passage for Transportation: which that it may be done with the more Ease and Speed, the said Lease or Leases notwithstanding:

Three Boats to attend the Ferry.

Be it enacted by his Excellency the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That henceforth there be three sufficient suitable Boats and Appurtenances, with able, sober Persons to row in them, kept for the Transportation of Persons and Horses over the said Ferry: One of which in Turns, to be always passing on the Water from Side to Side, in all proper Seasons when Boats may safely pass; not being obstructed by Ice, or extraordinary stormy Weather: And as any one of the said Boats shall Land on either Shore, the other Boat on the same Side to put off immediately: The three Boats to continue plying from Side to Side with all Industry and Diligence daily (except on the Lord's Day, and then to pass no oftner than Necessity shall require) from Sun rise, until nine of the Clock at Night, from the first of *April* until the first of *October*: and until eight at Night from the first of *October* to the first of *April* annually. And after those Hours, upon any necessary Occasion; and to be paid *one Shilling*, if it be one single Person; and if more, then double Ferrage for the whole Number, over and above *one Shilling* among all the Passengers, in equal Proportion. And that the Boats be lodged on that Side every Night where they are owned.

11 *G.* ca. 5. Four Boats.

Boats to continue passing from & until the several Hours, at Morning & Night.

Seperate Interest.

The said three Boats, to be three several seperate Interests, not all of one Town.

Constant and diligent Attendance required.

And the Ferry-Men employed in the said Boats respectively, shall give constant and diligent Attendance; and not deny or delay the speedy carrying over any Passenger or Passengers, according to the true Intent and Meaning of this and the former Laws relating to the said Ferry; under the Penalty therein provided.

And for preventing of Abuses oft-times offered to Ferry-Men, by cheating them of their Ferrage; or putting them to make unreasonable Exchange:

Ferrage to be paid before Landing. Unreasonable Exchange not to be required.

Be it enacted by the Authority aforesaid, That it shall and may be lawful to and for the Ferry-Men, to demand and receive Pay of all Passengers before they set them on Shore: And that the Ferry-Men shall not be required or obliged, to exchange for above the Value of *three Shillings and six Pence*, where the Ferrage does not exceed that Sum.

CHAP.

CHAP. II.

An Act in Addition to, and for Explanation of the Act for the settling and Distribution of the Estates of Intestates.

4 *W.* & *M.* ca. 2. 6 *G.* ca. 3.

BE it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That, if after the Death of a Father, any of his Children shall die Intestate, without Wife or Children, in the Life-Time of the Mother, every Brother and Sister and the Representatives of them, shall have an equal Share with her in the Estate of the Intestate: Any Thing in the aforesaid Act for the settling and Distribution of the Estates of Intestates to the contrary thereof in any wise, notwithstanding.

Brothers and Sisters of any Person deceased Intestate without Wife or Children to be Sharers with the Mother.

And be it further enacted by the Authority aforesaid, That every Judge of Probate in making up and passing the Accounts of Administration of the Estates of Persons deceased, be, and is hereby directed to have Consideration, and make Allowance of necessary Bedding, Utensils and Implements of Household, necessary for the upholding of Life, to the Use of the Wife and Family of the Deceased; where Provision is not made for the Wife in that Respect by Will. And such necessary Bedding, Utensils and Implements of Household, shall not be accounted Assets in the Hands of the Executor or Administrator, nor subject to the Payment of Debts, altho' the Estate prove Insolvent: as they could not have been levied or distrained for Debt in the Parties Life-Time: Any Law, Usage or Custom to the contrary notwithstanding.

Allowance to Widows.

CHAP. III.

An Act relating to Searchers and Sealers of Leather, and Clerks of the Market.

Preamble.

WHEREAS there are several Town Officers of whom an Oath is by Law required, but no Penalty provided upon their refusal:

Be it enacted by his Excellency the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That if any Person chosen to the Office of a Searcher and Sealer of Leather; or Clerk of the Market in any Town, shall refuse to take the Oath respectively required by Law for executing of such Office; without reasonable Excuse made, and accepted by the Justices of the Court of General Sessions of the Peace within the same County, for his not serving; shall pay *forty Shillings* Fine, to the Use of the Poor of such Town: Any Law, Usage or Custom to the contrary notwithstanding.

Searchers and Sealers of Leather; and Clerks of the Market, Penalty for refusing to serve.

CHAP. IV.

An Act in Addition to an Act to prevent Fraud in Cord Wood, *&c.*

4 *A.* ca. 4.

BE it enacted by his Excellency the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That the Selectmen in every Town (where Corders of Wood are chosen) shall from Time to Time, as there shall be Occasion, appoint the Fees for cording Wood: Any Law, Usage or Custom to the contrary notwithstanding.

Selectmen to appoint the Fee of Wood-Corders.

CHAP. V.

An Act directing the levying and collecting of County and Town Assessments.

4 *W. & M.* ca. 12.

WHEREAS the Act Intitled, *An Act for regulating of Townships, choice of Town Officers, and setting forth their Power*; made and passed in the fourth Year of the Reign of King William *and Queen* Mary; *directs and restrains the collecting and gathering of all Rates and Assessments, for County and Town Charges respectively, to the Constables of the Towns wherein they are levied; which in some Towns is attended with several Inconveniencies*;

For Remedy whereof:

Towns and Precincts allowed to choose Collectors.

Be it enacted by his Excellency the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That it shall and may be lawful to and for the Freeholders and Inhabitants of each Town, District or Precinct within this Province, orderly set off and established annually from Time to Time, to elect and appoint a Collector or Collectors distinct from the Constable or Constables, for the gathering of all Rates and Assessments, from Time to Time duly assessed and levied within such Town or District, to and for County Charges; and to all Charges of every Kind whatsoever, enumerated in the aforesaid Act of Townships, arising within the same Town, District or Precinct, for any Use or Uses, Services, Dues or Payments, there to be made and done.

No County or Town Rates to be gathered, but by a Constable or Collector.

And all such Rates or Assessments, shall be demanded, paid to and received by a Constable or Collector to whom the same shall be committed to gather, with a Warrant from the Select-Men or Assessors under their Hands, in Form as by Law prescribed; and by no other Person or Persons: Any Law, Usage or Custom to the contrary in any wise notwithstanding.

Collectors and Constables to make Payment, as directed.

And every Collector or Constable to whom any such Rates or Assessments shall be committed, with a Warrant as aforesaid, shall levy, gather and receive the same, according to the Direction in the Warrant to him given; and shall Account for all his Receipts, and make Payment of what and so much as he shall levy and gather of the several Rates and Assessments, committed to him as aforesaid, to the County or Town Treasurers respectively; or other Receiver as by his Warrant he shall be required, in Manner and Time as is by Law provided; and be subject to the Pains and Penalties therein contained, in Case of Neglect either of collecting or paying.

County Treasurer's Power. His Accounts to be laid before the General Assembly, in *May* Session annually.

Be it enacted by the Authority aforesaid, That the Treasurer of each County respectively, be impowred to draw in and inforce the Payment of all County Charges, ordered by the Court of General Sessions of the Peace, by all such Rules and Methods prescribed by Law to enable the Treasurer and Receiver-General to gather in the Province Taxes; and shall from Time to Time lay before the General Assembly at their anniversary Session in *May*, an Account of all Money that has been raised in his respective County; or by any Means received by him as County Treasurer the Year past; what each Town paid towards it, and how the same has been employed or disposed of. And no further Assessment shall be levied, until the said Account has been offered to the General Court, as aforesaid, and allowed by them.

CHAP. VI.

An Act for the Admeasurement of Boards, Plank and Timber; and regulating the Tale of Shingles.

Preamble.

WHEREAS *Boards, Plank and Timber, are usually Sold by the Measure set upon them at the Mills where they are Sawn; and Bundles of Shingles are Mark'd for a greater Number than what they contain; wherein great Fraud and Deceit is too often practised by ill minded Persons:* For

For Prevention whereof:

Be it enacted by his Excellency the Governour, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame, That in each Maritime Town within this Province, where Boards, Plank, Timber and Slit-Work are uſually imported, or brought for Sale, or exported beyond Sea; there be two or more honeſt ſkilful Perſons, annually elected by ſuch Town, at the Time of their anniverſary Choice of Town Officers; to be Surveyers and Meaſurers of Board, Plank, Timber and Slit-Work, and Surveyers of Shingles; who ſhall be ſworn in Manner as other Town-Officers, to the faithful Performance of the Duty of their Office.

Surveyors and Meaſurers of Boards, &c. to be annually elected in Maritime Towns.

And all Boards, Plank, Timber or Slit-Work, imported or brought for Sale; before their Delivery upon Sale, ſhall be viewed, ſurveyed, and alſo meaſured by one of the ſaid Officers, where he ſhall have any doubt of the Meaſure; having Conſideration for drying and ſhrinking: alſo ſhall mark a-new all ſuch to the juſt Contents; making reaſonable Allowance for Rots, Splits and Wains.

All Boards, &c. to be viewed before Sale.

The Buyer to pay the Officer *ſix-Pence per* thouſand Feet for viewing only, and *ſix-Pence per* Thouſand Feet more for meaſuring and marking; and *pro rato* for a leſſer Quantity than a thouſand Feet.

Fee for viewing and meaſuring.

And no Boards, Plank, Timber or Slit-Work, ſhall be delivered upon Sale, or ſhipped for Exportation beyond Sea, before they have been viewed and ſurveyed, and alſo meaſured (if Occaſion be) and marked a new, by one of the Officers thereto appointed; on pain of being forfeited, or the Value thereof, by the ſeller or ſhipper; to the Uſe of the Poor of the Town where they are ſold or ſhipped.

No Boards, &c. to be exported before viewing.

And be it further enacted, That all Shingles expoſed to Sale by Quantities in Bundles, that do not hold out the Number they are mark'd for; unleſs it appear ſome have been drawn or ſhaken out of the Bundle after packing; ſhall be forfeited to the Uſe of the Poor of the Town where they are expoſed; the Charge of ſearching and telling of them, to be paid thereout.

Shingles not holding out in Number, to be forfeited.

That every Bundle of Shingles that, according to the ſound Judgment of the Surveyor, will hold out one with another, four and half Inches in Breadth ſhall be accounted Merchantable; provided they are fifteen or eighteen Inches in Length, according to which Length they are ſold for; and the leaſt to be three Inches in Breadth and upwards, and one third of an Inch or upwards in thickneſs; and all that are otherwiſe, to be culled out and burnt, and ſo many more, if need be, till what are left of the ſaid Bundle will bear the four and half Inches, according to the Judgment of the Surveyor; who ſhall have for his Service *one Penny* for every Thouſand ſurveyed; and *one Penny* more per Thouſand for telling; to be paid by the Buyer, where no Forfeiture is for want of Tale to ſatisfy the Charge; and for every Thouſand he culls and binds up again, *twelve Pence* per Thouſand, and proportionable for leſs Quantity; to be paid by the Owner or Seller of the ſaid Shingles, returning the Remainder to the Owner, if any be, after the Charges are paid: Any Law, Uſage or Cuſtom to the contrary notwithſtanding.

7 *W.* ca. 7.

Dimenſions of Merchantable Shingles.

Fee for ſurveying and telling.

CHAP. VII.

An Act for explaining and enlarging of the Act for prevention of common Nuſances ariſing by Slaughter-Houſes, Still-Houſes, &c. Tallow-Chandlers and Curriers.

WHEREAS in and by the Act Intitled, An Act for prevention of common Nuſances ariſing by Slaughter-Houſes, Still-Houſes, *&c.* Tallow-Chandlers and Curriers; *made and paſſed in the fourth Year of the Reign of their late Majeſty's King* William *and Queen* Mary: **It is enacted,** "That the

"Select-

4 *W.* & *M.* ca. 8.

" Select-Men of the Towns of *Boston*, *Salem* and *Charlstown* respectively, or " other Market Towns within the Province, with two or more Justices of Peace " dwelling in the Town; or two of the next Justices in the County, shall, at " or before the last Day of *March*, One Thousand six hundred ninety three, " assign some certain Places in each of the said Towns (where it may be least " offensive) for the erecting and setting up Slaughter-Houses, for the killing of " all Meat, Still-Houses, and Houses for trying of Tallow, and currying of " Leather: At which Houses and Places respectively and no other, all Butchers " and Slaughter-Men, Distillers, Chandlers and Curriers shall exercise and practice " their respective Trades and Mysteries.

But for as much as by Reason of the growth and increase of the said Towns, several of the Houses and Places then so assign'd, are become inconvenient for the Use intended, offensive, and by ill Stenches tend to breed Infection. And the said Act directing to that Time only for the assigning of Places for those Uses, and not looking forward:

Places to be assign'd for Slaughtering Meat, &c.

Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That it shall and may be lawful to and for the Select-Men of each of the Towns aforesaid respectively, with two Justices as aforesaid, Inhabitants of the Town, (if such there be) from Time to Time as Occasion shall be, to assign and appoint suitable Places, where it may be least offensive, for the exercising of any of the aforesaid Trades or Mysteries, of killing Meat, distilling of Spirits, trying of Tallow, or currying of Leather; and to forbid and restrain the Exercise of either of them in other Places, not so approved and allowed of.

Places assign'd becoming offensive to be altered, upon Inquiry by a Jury.

And be it further enacted by the Authority aforesaid, That when and so often from Time to Time, as it shall appear any House or Place assigned, or to be assigned to and for the exercising of either of the aforesaid Trades or Mysteries, to become a Nusance by Reason of offensive and ill Stenches proceeding from the same, or otherwise hurtful to the Neighbourhood; it shall and may be lawful to and for the Court of General Sessions of the Peace within the County, to cause Inquiry to be made thereinto by a Jury, and to suppress such Nusance by prohibiting and restraining the further Use thereof, for the Exercise of either of the aforesaid Trades or Mysteries; under a Fine not exceeding *forty Shillings* per Month, to be to the Use of the Poor of such Town, or otherwise as in their Discretion they shall think fit, by causing the said Nusance to be removed or prevented; or any other Nusance to be inquired of in Manner aforesaid.

Penalty for using them or making any other Nusances.

Conviction of Slaughter Houses.

And be it further enacted, That the Proof of any dead Beast or Beasts hanging up in any Out-House; or the lying, or carrying out the Intrails, Garbage of Beasts, or Blood of Creatures in or out of such House, shall be sufficient Conviction in Law, that such House is used for a Slaughter-House, within the Intent of the Law against common Nusances.

Acts and Laws,

Passed by the Great and General Court or Assembly of Her Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and Held at *Boston*, upon Wednesday the thirtieth Day of *May*, 1711.

CHAP. I.

An Act for securing the Bills of Credit on the Neighbouring Governments.

Preamble.

WHEREAS the Bills of publick Credit on the respective neighbouring Governments of Her Majesty's Province of New-Hampshire, *the Colony of* Connecticut, *and the Colony of* Rhode-Island *and* Providence Plantations; *have obtained a Currency in a Way of Trade and Commerce within this Her Majesty's Province of the* Massachusetts-Bay: *The Falsifying or Counterfeiting*

feiting whereof, or disparaging the same, may prove of pernicious Consequences, to the very great Hurt and Obstruction of Her Majesty's Service; and also to the Interruption and Discouragement of mutual and reciprocal Trade and Commerce, as well as Loss and Damnage to the Publick, and to private Persons:

For Prevention whereof:

Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That whosoever shall presume to forge, counterfeit, or utter any Bill or Bills (knowing the same to be false and counterfeit) of the Tenor, or in Imitation of any of the Bills of Credit on the Province of *New-Hampshire*, the Colony of *Connecticut*, the Colony of *Rhode-Island* and *Providence Plantation*, by Law established within the said Governments, or any of them; or that shall counsel, advise, procure, or any Ways assist in the forging, counterfeiting, imprinting, stamping or signing of any such false Bills: or engrave any Plate, or make any other Instrument to be used for that Purpose; or that shall alter or increase the Sum or Figures in any of the Bills of Credit on any of the Governments aforesaid: or forge or counterfeit any Name, Hand, Stamp or private Mark, that now is, or hereafter shall be ordered to be made or set thereon; every Person and Persons so offending, in any of the Particulars before enumerated, shall be liable to and suffer the same Pains and Penalties, as are by Law provided against the forging or counterfeiting any of the Bills of Credit on this Her Majesty's Province of the *Massachusetts-Bay*, or any Thing tending thereto; or of altering the Sums, Figures or Marks thereof. Penalty for Counterfeiting, &c. 7 *G.* ca. 4.

CHAP. II.

An Act for suppressing of Robberies and Assaults.

TO the Intent Her Majesty's Leige People may be in Peace and out of Fear of being assaulted and robbed by ill-minded wicked Ruffians, as they are travelling the common Roads or High-Ways; or of being insulted, and indecently treated or abused as they are civilly walking and recreating themselves in the Fields, Streets, or Lanes in Towns: Preamble.

Be it enacted by his Excellency the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That every Person and Persons that shall be convicted of assaulting and robbing, and taking away from the Person of another travelling the common Road or High-Way, any Money, Goods, Cloathing, or other Things whatsoever; shall be punished with burning in the Forehead or Hand, suffer six Months Imprisonment, and render treble Dammages to the Party robbed. Robbing on the High-way.

And upon a second Conviction of the like Offence, shall be deemed a Felon, and suffer the Pains of Death, as in Cases of Felony. Second Conviction.

And be it further enacted by the Authority aforesaid, That whosoever shall be convicted of assaulting, or offering any Insolence or Violence to any Woman or Woman-Kind, in the Fields, Streets or Lanes in any Town; or of despoiling them, damnifying or defacing any of their Attire or Ornaments, or attempting the same; shall be punished by being publickly whipped, not exceeding ten Stripes; or by being committed to the House of Correction, to receive the Discipline of the House; and continue there by the space of thirty Days, and kept according to the Rules and Orders of the House; and also find Sureties for the good Behaviour, before he be discharged. And any two Justices of the Peace *Quorum Unus*, in the vacancy of the Court of General Sessions of the Peace, are impowred to hear and determine this Offence. Assaulting of Women.

And if the Party so offending, shall afterwards be convicted of committing the like Offence a second Time, he shall be further punished with burning in the Hand; by Sentence of the Court of General Sessions of the Peace. Second Conviction.

And it is further enacted, That in either of the Offences aforesaid, the Oath of the Party assaulted or robbed, being of Reputation, shall be received as one sufficient Evidence towards convicting the Person charged. Parties Oath.

A N

An Act,

Passed by the Great and General Court or Assembly of Her Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and Held at *Boston*, upon Wednesday the thirtieth Day of *May*, 1711. And continued by several Prorogations and Adjournments unto Wednesday the Seventeenth of *October* following, and then met.

CHAP. III.

An Act providing in Case of Fire, for the more speedy Extinguishment thereof; and for the preserving of Goods endangered thereby.

Preamble. *WHEREAS by Reason of the contiguity and adjoining of the Houses and Dwellings within the Town of* Boston, *Persons are under great Affrightment and Hurry, upon the breaking out of Fire; and not only the Person in whose House the Fire first breaks out, but the Neighbourhood are concerned to employ their utmost Diligence and Application to extinguish the Fire, and prevent the Progress thereof, and to preserve their Substance, by the removal of their Goods; being glad of the Assistance of others in that Regard: And divers vill-minded and wicked Persons, ou pretence of charitably offering their Help, taking Advantage of such Confusion and Calamities to rob, plunder, imbezel, convey away, and conceal the Goods and Effects of their distressed Neighbours:*

For preventing whereof:

Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That it shall and may be lawful to and for the Justices of the Peace and Select-Men of the Town of *Boston*, from Time to Time, to appoint such Number of prudent Persons of known Fidelity, not exceeding ten, in the several Parts of the Town, as they may think fit; who shall be denominated and called *Fire-wards*; and have a proper Badge assigned to distinguish them in their Office, *viz.* A Staff of five Feet in Length, coloured red; and headed with a bright brass Spire of six Inches long: And at Times of the breaking forth of Fire, and during the Continuance thereof, shall, and hereby are fully authorized and impowred, to command and require Assistance for the extinguishing and putting out the Fire; and for removing of Household Stuff and Furniture, Goods and Merchandizes, out of any Dwelling-Houses, Store-Houses, or other Buildings actually on Fire, or in Danger thereof; and Guards to secure, and take Care of the same: As also to require Assistance for the pulling down or blowing up of any Houses, or any other Service relating thereto; by the Direction of two or three of the chief Civil or Military Officers of the Town (as is by Law provided) to stop and prevent the further spreading of the Fire: And to suppress all Tumults and Disorder.

Fire-wards.

Badge of their Office.

Power.

Pulling down or blowing up Houses.

4 *W. & M.* ca. 1.

And the Officers from Time to Time appointed as aforesaid, are required upon the Notice of Fire breaking forth, taking their Badge with them, immediately to repair to the Place, and vigorously to exert their Authority for the requiring of Assistance, and using utmost Endeavours to extinguish or prevent the spreading of the Fire; and to preserve and secure the Estate of the Inhabitants. And due Obedience is required to be yielded to them, and each of them accordingly for that Service.

Assistance to be given them.

Penalty for neglect. And all Disobedience, Neglect or Refusal in any, shall be informed of to some of Her Majesty's Justices of the Peace within two Days next after; and the Offenders therein, upon Conviction thereof, before any two Justices *Quorum Unus*, shall forfeit and pay the Sum of *forty Shillings* each; to be levied and distributed by the Discretion of the Select-Men, among the Poor most distressed by the Fire: And in Case the Offender or Offenders are unable to satisfy the Fine, then to suffer ten Days Imprisonment.

And

And be it further enacted by the Authority aforesaid, That if any evil minded wicked Persons shall take Advantage of such Calamity, to rob, plunder, purloin, imbezel, convey away, or conceal any Goods, Merchandises or Effects of the distressed Inhabitants whose Houses are on Fire, or endangered thereby, and put upon removing their Goods; and shall not restore and give Notice thereof to the Owner or Owners, if known; or bring them into such publick Place as shall be appointed and assigned by the Governour and Council, within the Space of two Days next after Proclamation made for that Purpose; the Person or Persons so offending, and being thereof convicted, shall be deemed Thieves: and suffer the utmost Severities of the Pains and Penalties by Law provided against such.

Penalty on such as shall conceal, rob, or imbezel Goods saved out of the Fire

Acts and Laws,

Passed by the Great and General Court or Assembly of Her Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and Held at *Boston*, upon Wednesday the thirtieth Day of *May*, 1711. And continued by several Prorogations and Adjournments unto Wednesday the twelfth of *March* following, and then met.

CHAP. I.

An Act against Intemperance, Immorality and Prophaneness, and for Reformation of Manners.

WHEREAS the Laws at several Times established by the Government of this her Majesty's Province of the Massachusetts-Bay, *and now in Force have made good and wholsome Provision for the Regulation of Inns, Taverns, Ale-Houses, Victuallers, and other Houses for common Entertainment, and Retailers of strong Liquors out of Doors; and for preventing of Tipling and Drunkenness; declaring, that such licensed Houses ought to be improved to the right Ends and Uses for which they are designed*; namely, *For the Receiving, Refreshment and Entertainment of Travellers and Strangers; and to serve the public Occasions of the Towns, and Places in which they are; and not to be Nurseries of Vice and Debauchery, as is too frequently practised by some, to the Hurt of many Persons, by mispending their Time, and Money, in such Houses, to the Ruin of Families:*

And have also made good and wholsome Provision against Immoralities, Vice and Prophaneness:

4 *W.* & *M.* ca. 6. 7 *W.* ca. 2 & 10. 10 *W.* ca. 8. 4 *W.* & *M.* ca. 6. & 7. 5 *W.* and *M.* ca. 5. 10 *W.* ca. 8.

Be it therefore enacted and declared by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That the Laws against Drunkenness, Prophaneness, and other Immoralities, together with this Act, be solemnly read by the Town-Clerk, in each Town, at their Anniversary Town Meeting in *March*, from Time to Time.

Laws to be read in the Town Meeting.

And all Justices, Sheriffs, Grand-Jurors, Tything Men, Constables, or other Officers whom it doth concern, are hereby strictly enjoined and required to exert their utmost Zeal and Vigour in seeing that the said several Laws be duly observed and kept: And that the Violaters thereof be duly prosecuted and punished in Manner as by the said Laws is directed and provided: And the Select-Men and other principal well disposed Persons in each Town, desirous of a Reformation, are hereby exhorted and directed to countenance, accompany, assist and join with the Justices, Sheriffs, Tything-Men, Constables, and other

Direction to see that the Laws be observed.

Officers in their Endeavours to discover and suppress all unlicensed Houses, and Vice, Immorality and Prophaneness.

And for reclaiming the over great Number of licensed Houses, many of which are chiefly used for Revelling and Tipling; and become Nurseries of Intemperance and Debauchery, indulged by the Masters or Keepers of the same, for the sake of Gain:

A List of the Names of Persons licensed to be transmitted to the Select-Men.

Be it enacted by the Authority aforesaid, That the Clerk of the Peace in the respective Counties from Time to Time, annually, before the granting of Licences, do transmit to the Select-Men of every Town within the County, a List of the Names of the Persons in such Town, that were licensed the Year before; and that Licences be renewed to none of them that the Select-Men shall except to as unfit to hold and exercise such an Employment by Reason of their not keeping good Rule and Order in their Houses; not being suitably accommodated and provided, for the Entertainment of Strangers and Travellers, as the Law directs; or not of sober Conversation.

None to be firstly licensed but upon the Recommendation of the Select-Men.

And no Person shall have his Licence renewed, until he produces a Certificate to the Justices of Quarter Sessions, that such List has been transmitted to the Select-Men, and considered by them.

And that no Time or Times hereafter, any Person or Persons, shall be firstly or originally licensed to be a Victualler, Innholder, Taverner, or Seller of Wine, Beer, Ale, Cyder or strong Drink or Spirits, by Retail; other than such who shall produce Certificate from the Select-Men of the Town where they dwell, recommending them to be Persons of sober Conversation, suitably qualified and provided for the Exercise of such an Employment. And that no Licence be renewed from Time to Time, to any Person hereto-fore licensed, against whom any Presentment, Complaint of Information shall be made, for Misrule or Disorder in such House; or for not being suitably provided, as the Law in such Case requires, to entertain Strangers and Travellers at Bed and Board; before the Matter informed and complained of be inquired into and judged of. Provided such Presentment or Complaint be prosecuted to Effect, in the same Court for granting of Licences.

Licences not to be renew'd until Complaints be heard and judged of.

And if any common Victualler, Innholder or Taverner enjoined by Law to be suitably provided to receive and entertain Strangers, Travellers, or others, as Occasion may require, shall be convicted of refusing to make suitable Provision, when desired, for the receiving of Strangers, Travellers, and their Horses; or for any publick Entertainment; such Person shall be deprived of his Licence. And any three or more of the Justices of the Court of General Sessions of the Peace, *Quorum Unus*, are hereby impowred and directed, by Warrant under their Hands and Seals, directed to the Sheriff or his Deputy, to cause his Sign to be taken down.

Licens'd Persons not suitably provided, to be depriv'd

And be it further enacted by the Authority aforesaid, That no Town Dweller or Inhabitant in any Town, shall upon any Pretence whatsoever be drinking or tipling in any Tavern, or other publick licensed House, or in any the Dependencies thereof, after nine a Clock in the Night; under the Penalty of *twenty Shillings*; to be paid by the Master or Keeper of such House, for his entertaining of them; and *one Shilling* to be paid by each Person so offending.

Town Dwellers prohibited drinking in publick Houses after nine at Night

Singing Musick and dancing forbiddenin publick Houses.

That no singing, fidling, piping, or any other Musick, dancing, or revelling, shall be suffered or exercised, in any Tavern, or other publick licensed House; on Penalty of *ten Shillings*; to be paid by the Master or Keeper of the said House, as shall suffer the same; and *five Shillings* by each Person offending in any of the said Particulars.

That there be two Tything-Men annually chosen within each Military Division within the Town of *Boston*; whose particular and especial Care and Charge it shall be to inspect that their Part of the Town.

Common Drunkards to be posted up at Retailers.

That common Drunkards be posted up at the Houses of Retailers of Wine and Liquors out of Doors, as the Law directs to publick licensed Houses; with a Prohibition to them of selling Drink to any such.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall presume to keep a Tavern, Inn, or House of common Entertainment, or to sell by retail Wine, Beer, Ale, Cyder, or any strong Drink or Spirits, without Licence first orderly had and obtained for the same, as the Law directs; such Person or Persons upon Conviction, or Confession thereof before one or more of Her Majesty's Justices of the Peace, shall forfeit and pay the Sum of *six Pounds*, for every such Offence; the one Moiety thereof to be to the Informer, and the other Moiety to the Use of the Poor of the Town, where the Offence shall be committed. Penalty for selling without Licence.

And for the better Discovery and finding out Persons that shall presume to transgress against this Act, or any other of the Laws made against Vice, Prophaneness and Immorality:

The Select-Men in each respective Town, be, and are hereby impowred from Time to Time to chuse and appoint one or more discreet Persons to over-see and inform of any Breach of the said Laws; who shall have a meet and honourable Recompence made them for their Service, out of the Town Treasury, as the Select-Men shall think proper and suitable. Select Men to appoint Persons to be Informers.

And be it futher enacted, That no Person or Persons either singly or together in Company shall presume to sing, dance, fidle, pipe, or use any musical Instruments in any of the Streets, Lane, or Alleys, within any Town in the Night Time; or make any Rout, or other Disturbance, to the Disquiet and Disrest of any of the Inhabitants; under the Penalty of *Five Shillings*, for every Person so offending in any of the Particulars afore-mentioned; or being corporally punished by Imprisonment, sitting in the Stocks, or Cage. Rout or Disturbance in the Street in the Night Time.

And for the more religious Observation of the Lord's Day:

Be it enacted, That all Persons who shall be found in the Streets, Wharffs, Fields, or other Places within any Town, on the Evening following the Lord's Day, disporting, playing, making a Disturbance, or committing any Rudeness: The Persons so offending, shall each of them pay a Fine of *five Shillings*, or suffer twelve Hours Imprisonment, or sit in the Stocks, not exceeding two Hours. All Fines and Forfeitures arising by Virtue of this Act, or any Paragraph thereof, and not herein before disposed of, shall be to and for the Use of the Poor of the Town where the Offence shall be committed: any Law, Usage or Custom to the contrary notwithstanding. Playing and Rudeness on the Evening following the Lord's Day forbidden.

And the Constables of the respective Towns are hereby directed and specially impowred, to prevent the Prophanation of the Lord's Day, by restraining Persons from walking, recreating and disporting themselves in the Streets, Wharffs, or Fields, in the Time of public Worship. Constables required to prevent Prophanation of the Lord's Day in the Time of publick Worship.

And forasmuch as the well educating and instructing of Children and Youth in Families and Schools, are a necessary Means to propagate Religion, and good Manners; and the Conversation and Example of Heads of Families, and Schools, having great Influence on those under their Care and Government to an Imitation thereof:

Be it enacted by the Authority aforesaid, That no Person or Persons shall or may presume to set up or keep a School for the teaching and instructing of Children or Youth in reading, writing, or any other Science, but such as are of sober and good Conversation; and have the Allowance and Approbation of the Select-Men of the Town in which any such School is to be kept; Grammar School Masters to have Approbation, as the Law in such Case already provides. Keepers of Schools to have the Approbation of the Select-Men.

And if any Person or Persons after Publication of this Act, shall be so hardy, as to set up, or continue to keep any such School, without Allowance and Approbation as aforesaid, the Person or Persons so offending, shall forfeit and pay the Sum of *Forty Shillings*; to the Use of the Poor of the Town where such School shall be set up, or continue to be kept, contrary to this Act; and so *Toties Quoties*, as often as they shall be convicted: Any Law, Usage or Custom to the contrary notwithstanding. Penalty for setting up or keeping School without Approbation.

And whereas evil Communication, wicked, prophane, impure, filthy and obscene Songs, Compositures, Writings or Prints, do corrupt the Mind; and are Incentives to all Manner of Impieties and Debaucheries: More especially when digested, composed or uttered in Imitation of Mockery of Devotion, or religious Exercises:

Penalty for composing or publishing of prophane Songs, or mock Sermons

Be it further enacted by the Authority aforesaid, That whosoever shall be convicted of composing, writing, printing or publishing, of any filthy obscene or prophane Song, Pamphlet, Libel or Mock-Sermon, in Imitation or in mimicking of Preaching, or any other Part of divine Worship; every Person or Persons offending in any of the Particulars aforementioned, shall be punished by Fine to her Majesty, not exceeding *twenty Pounds*; or by standing on the Pillory once or oftner, with an Inscription of his Crime in Capital Letters affixed over his Head; according to the Discretion of the Justices in Quarter-Sessions.

CHAP. II.

An Act for regulating the Size of Bricks.

Preamble.

UPON Consideration of the great Quantities of Bricks now to be used for Building; and that the Firmness of Buildings very much depends on the Goodness of the Materials:

Clay to be dug before the 10 of *December*, &c.

Be it enacted by his Excellency the Governour Council and Representatives, in General Court assembled, and by the Authority of the same, That Clay for the making of Bricks shall be digged before the tenth of *December* yearly; and shall be turned over in the Month of *February* or *March* next ensuing, at least twenty Days before it be wrought; and then well and throughly wrought.

Not to be tempered with brackish Water.

And no Person shall temper his Clay with salt or brackish Water; nor digg any Clay in any Place where the salt Water comes in.

Size of Bricks

And be it further enacted by the Authority aforesaid, That the Size of Bricks shan't be less than nine Inches long, four Inches and a Quarter of an Inch Broad, and two Inches and an Half Inch thick.

Size of Moulds to be shod with Iron, and sealed.

And all Moulds to be used for the making of Bricks, shall be made agreable to these Sizes: *That is to say*, not less than nine Inches and a Quarter of an Inch long, four Inches a Quarter and a Half Quarter of an Inch broad, and two Inches and Half an Inch deep, within Side; being well shod with Iron, and sealed by the Sealer to be appointed, as is herein after directed: so that the Bricks may hold out the Dimensions prescribed as aforesaid, as near as may be when burned.

Forfeiture of Bricks not made in Moulds as afore directed

And whosoever shall make and expose to Sale any Bricks not made in Moulds of the aforesaid Sizes, shod with Iron, and sealed by the Sealer; he shall lose and forfeit one Half of all such Bricks made contrary hereto, or the Value thereof; to the Use of the Poor of the Town or District where they shall be made; to be sued for and recovered in any of her Majesty's Courts of Record within the County where they shall be made, by the Treasurer of the Town, or Town Clerk.

Select-Men to appoint a Viewer and Sealer. To be sworn.

And the Select-Men of each Town where Bricks are ordinarily made, are hereby directed and ordered, annually to nominate and appoint a suitable Person to be a Viewer and Sealer of Moulds, for the making of Bricks; who shall be Sworn before a Justice of the Peace, to the faithful Execution of his Office.

His Power.

And is hereby impowred from Time to Time, to enter into all Brick-Yards, to view their Moulds, and to see that they be of due Size, well shod with Iron, as aforesaid, and sealed; and if they be under Size, or not well shod, to break the same.

And

And every Brick-Maker before the setting of his Kiln, shall call the Viewer to over-see his Bricks, who shall forthwith attend the Service; and be paid by the Brick-Maker *two Pence per* Thousand for all Bricks by him viewed; and *one Penny* for each Mould by him sealed; the Select-Men of the Town to provide a Seal: Any Law, Usage or Custom to the contrary notwithstanding. Brick Maker to call the Viewer before setting. His Fee.

CHAP. III.

An Act for further Regulation of the Ferry betwixt *Boston* and *Winisimmit*, within the County of *Suffolk*.

WHEREAS notwithstanding the Provision made, in and by the Act passed in the eight Year of the Reign of his late Majesty King William *the Third, Entitled,* An Act in Addition to the Act for regulating Ferries: *There is still great Complaint of Neglect of a due Attendance of the Ferry from* Boston *to* Winisimmit, *and from thence to* Boston; *to the grievous Delay, Inconvenience and Dammage of Travellers, and others constantly resorting thither for Passage: And there being but one Boat on a Side hitherto provided to tend the said Ferry; and the River wide, and the Number of Passengers much increased, by the Growth of the Towns on the Road in which the said Ferry lies:* 6 *W.* and *M.* ca. 6. 8. *W.* ca. 9. 4 *G.* ca. 4.

Be it therefore enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That for the more speedy Transportation of Passengers, especially Posts, there be from hence-forth at all Time and Times hereafter, a third sufficient suitable Boat and Appurtenances, with able, sober Persons to row in her, provided and kept constantly to attend the said Ferry; for the transporting of Passengers, Horses, and other Things over the River; one of the three Boats in Turns to be always passing on the Water, from Side to Side, in all proper Seasons when Boats may safely pass; not being obstructed by Ice, or extraordinary stormy Weather; and as one of the said three Boats shall land on either Shoar, the other Boat on the same Side shall put off Immediately. The three Boats to continue plying from Side to Side, with all Industry and Diligence daily, (except on the Lord's Day, and then to pass no oftner than Necessity shall require) from Sun rise, until nine of the Clock at Night, from the first of *April* until the first of *October*; and until eight at Night, from the first of *October* to the first of *April* annually; and after those Hours upon any necessary Occasion, especially Posts; for which there shall be paid *two Shillings*, except Posts, if it be with one Person only, and if more, then double Ferrage for the whole Number, over and above the *two Shillings* among all the Passengers in equal Proportion. And that two Boats be lodged on *Winisimmit* Side every Night, and one on *Boston* Side. And the Ferry-Men employed in the said Boats respectively, are required to give constant and diligent Attendance; and not to deny or delay the speedy carrying over any Passenger or Passengers, especially Posts, according to the true Intent and Meaning of this and the former Laws relating to Ferries; under the Penalty therein provided. Three Boats to be kept. To be constantly plying

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Ferry-Men to demand and receive pay of all Passengers, except Posts, before they set them on Shoar; and that they shall not be required or obliged to Exchange for above the Value of *three Shillings* and *six Pence*, where the Ferrage does not exceed that Sum. Ferry-Men to demand Pay of Passengers before landing

And that the Town of *Boston*, and the Proprietors of the Farm on *Winisimmit* Side, who claim the Priviledge of the said Ferry, do respectively maintain, and from Time to Time keep in good Repair sufficient and convenient Ways, for passing to and from the Ferry-Boats from the landing Place on either Side: Any Law, Usage or Custom to the contrary notwithstanding. Ways to be kept from the landing Place to the Boat.

CHAP.

CHAP. IV.

An Act for further regulating of the Militia.

5 *W.* and *M.* Ca. 8.

WHEREAS *in the fifth Article of the Act*, for regulating of the Militia; *among other Things therein mentioned*; "Every listed Soldier and other "House-holder (except Troopers) is to be provided with a good Sword or "Cutlash, under the Penalty in the said Act mentioned: *And whereas it is found by Experience that Bayonets are of more Use, as well for Offence as Defence:*

Be it therefore enacted by the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That from and after the twentieth Day of *June* next every Person in the Town of *Boston*, who is obliged by the aforesaid Act to appear upon an Alarm at the Place of Rendezvous; or where the chief Officer doth appoint, (except Troopers) shall be provided with a good Goosenecked Bayonet with Socket, fit to fix over the Muzzle of his Musket; under the like Penalty as in the said Act is mentioned, for not being provided with a Sword or Cutlash.

Soldiers to be provided of Bayonets.

Acts and Laws,

Passed by the Great and General Court or Assembly of Her Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and Held at *Boston*, upon Wednesday the twenty-eighth of *May*, 1712. And continued by several Prorogations unto Wednesday the twentieth of *August* following, and then met; being their second Session.

CHAP. V.

An Act prohibiting the Importation or bringing into this Province, any Indian Servants or Slaves.

Preamble.

WHEREAS *divers Conspiracies, Outrages, Barbarities, Murders, Burglaries, Thefts; and other notorious Crimes and Enormities, at sundry Times, and especially of late, have been perpetrated and committed by Indians, and other Slaves, within several of her Majesty's Plantations in* America; *being of a malicious, surly and revengeful Spirit; rude and insolent in their Behaviour, and very ungovernable. The over great Number and Increase whereof within this Province, is likely to prove of pernicious and fatal Consequence to her Majesty's Subjects and Interest here, unless speedily remedied: And is a Discouragement to the Importation of white Christian Servants. This Province being differently circumstanced from the Plantations in the Islands, and having great Numbers of the Indian Natives of the Country, within and about them; and at this Time under the sorrowful Effects of their Rebellion and Hostilities:*

Indians bro't in, to be forfeited, unless Security be given to carry 'em out again within one Month.

Be it therefore enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That from and after the Publication of this Act, all Indians, Male or Female of what Age soever, imported or brought into this Province, by Sea or Land, from any Part or Place whatsoever; to be disposed of, sold or left within the Province, shall be forfeited to her Majesty, for and towards the Support of the Government; unless the Person or Persons importing

or

or bringing in such Indian or Indians, shall give Security at the Secretary's Office of *fifty Pounds* per Head, to transport and carry out the same again, within the Space of one Month next after their coming in; not to be returned back to this Province.

And every Master of Ship or other Vessel, Merchant or Person whatsoever, importing or bringing in to this Province by Sea or Land, any Indian or Indians, Male or Female, within the Space of twenty-four Hours next after their Arrival or coming in, shall report and enter their Names, Number and Sex; and give Security in the Secretary's Office, as aforesaid, on Pain of forfeiting to her Majesty for the Support of the Government, the Sum of *fifty Pounds* per Head: To be sued for and recovered in any of Her Majesty's Courts of Record, by Action, Bill, Complaint or Information.

Indians brot in to be entred in the Secretary's Office, &c.

And the Fee to be paid for such Entry and Bond as aforesaid, shall be *two Shillings and six Pence*, and no more.

Fee for Entry and Bond.

CHAP. VI.

An Act for Explanation, and in Addition to the Act for keeping of Watches in Towns; passed in the eleventh Year of the Reign of King *William* the Third.

WHEREAS Provision is made in and by a Paragraph or Clause in the said Act; That a Watch may be kept in Towns in other Manner than a Constables Watch, where the Members of the Council and Justices of the Peace, together with the Select-Men; and the Select-Men by themselves, where no Member of the Council or Justice dwells, shall judge it most for the Benefit and Safety thereof; the Inhabitants also agreeing to support the Charge: 11 *W.* ca. 7.

Be it decreed and enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That when, from Time to Time a Watch, in other and different Manner from a Constables Watch, shall be agreed upon and directed in any Town in Manner as afore-expressed; the Number and Qualification of the Persons whereof it shall consist, shall also be agreed upon as aforesaid; and one sober, discreet, able-bodied House-holder appointed to take the Charge and Command thereof; and to see that the Watchmen do their Duty: Who, as a Badge of his Office shall carry a Quarter Pike with a Spire on the Top thereof; and every Watchman shall carry a Staff with a Bill fastned thereon, as is usual. And the said Officer and Watchmen are hereby respectively impowred and authorized, to prevent and suppress all Disturbances, Routs, unnecessary Noises and Disorders in the Night: To examine all Persons whom they shall find abroad after ten a Clock (other than known, sober orderly House-holders or Inhabitants) of their Business abroad, and whither they are going: And in Case they are Refractory, and give not a reasonable Account of themselves and Business; or are Persons of ill Fame, or justly suspected to have any unlawful Intention or Design; then to restrain and secure them, by Imprisonment or otherwise, and keep them safe until the Morning; and then carry them before a Justice of the Peace, to be examined and proceeded against according to the Nature of the Offence. And the said Watchmen are required to walk in and about the Streets, Wharffs, Lanes and principal Parts of the Town, to see that good Rule and Order be kept; and to suppress all Disorders and Misrule.

Qualification of Watch. Men, and Badge.

Watchmen's Power.

Duty.

And

Watchmen & Constables, to attend the Members of the Council, Justices, &c.

And when at any Time or Times, any one or more Members of the Council, Justices of the Peace, or Select-Men, shall think fit to walk by Night, to inspect the Orders of the Town wherein they dwell; as well the said Watchmen, as one or more of the Constables, are required to attend and accompany them, and to observe and obey their lawful Commands.

Fee for Commitment.

And be it further enacted, That the Fee to the Goaler for Persons taken up in the Night, and committed to be secured only whilst the next Day, shall be *one Shilling*, and no more.

Acts and Laws,

Passed by the Great and General Court or Assembly of her Majesty's Province of the *Massachusetts-Bay* in *New-England*, begun and held at *Boston*, upon Wednesday the twenty-eighth of *May*, 1712. And continued by several Prorogations unto Wednesday the eighteenth of *March* following, and then met; being their fourth Session.

CHAP. I.

An Act in Addition to the Act, for making Lands and Tenements liable to the Payment of Debts.

8 *W.* ca. 4.

WHEREAS in and by An Act made and passed in the eight Year of the Reign of his late Majesty King William *the third, Land and Tenements are made liable to the Payment of Debts: And whereas in practising upon the said Act, either through the Perverseness of the Creditor, or Corruption of the Officer, Executions for small Sums are sometimes laid on Part of Housing and Lands of great Value in such Manner, as grievously to discommode or spoil the Remainder, contrary to the good Intent of the said Act; the Party injured being without Remedy ever to recover his Estate back again:*

For Prevention of such Inconvenience and Mischief for the future:

One Years Time allow'd to recover back Housing or Lands taken in Execution for Debt.

Be it enacted by his Excellency the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That when any Land or Tenement, in Part, or in whole, shall be levied and taken in Execution for Debt; it shall and may be lawful to and for the Party, or his Heirs whose Estate is so taken in Execution, within the Space of one Year next following the levying Execution thereon, and not afterwards; to bring his Suit against the Creditor, or his Heirs, or Tenant in Possession, and recover back his Estate, upon paying the full Sum, for which the same was taken, with Interest from that Time; and the reasonable necessary Charges and Disbursements laid out and expended thereon, for repairing or bettering of the same, over and above what and so much as the Rents, Profits and Improvements made thereof, shall fall short of reimbursing such Charges; to be accounted for by the Party for whom the same was taken in Execution, his Heirs or Assigns, agreable to the Provision made in the Act for Equity of Redemption of Estates upon Mortgage forfeited for the Condition broken.

10 *W.* ca. 14. The Time of 3 Years for Redemption of forfeited Estates upon Mortgage when to Commence

And whereas in and by the afore-mentioned Act relating to the Equity of Redemption of mortgaged Estates forfeited, the Term of three Years therein limited for the Redemption, is diversly construed as to the Commencement thereof:

Be it enacted and declared, That the said Term of three Years shall be reckoned and accounted from the Time of the Mortgagee, his Entry into and taking Possession of such forfeited Estate: Any Law, Usage or Custom to the contrary notwithstanding.

CHAP.

CHAP. II.

An Act directing how Meetings of Proprietors of Lands lying in Common, may be called.

Preamble.

WHEREAS the Law has made Provision and impowred the Proprietors of Lands lying in Common, as well those already stated and divided, each ones Proportion being known, as those not stated, divided, or proportioned as aforesaid; to manage, improve, dispose and divide the same, in such Way and Manner as hath been or shall be concluded and agreed on by the major Part of the interested. But no Direction being given how a Meeting of such Proprietors may be orderly and regularly called and assembled:

Be it enacted by Excellency the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That when and so often as any five or more of the Proprietors of such common Lands shall judge a Proprietors Meeting to be necessary, they may make Application to a Justice of the Peace within the same County where such Lands lie, for a Warrant for the calling of a Meeting, expressing the Time, Place and Occasion thereof: And such Justice is hereby impowred to grant a Warrant for such Meeting accordingly, directed to one of the Proprietors, asking the same; or to the Proprietors Clerk, requiring him to notify the Proprietors of the Meeting, and the Time and Place for the same; which Notification shall be given in Writing posted up in some public Place or Places within the Town or Precinct where the Land lie, fourteen Days before the Day appointed for the Meeting. And such and so many of the Proprietors as shall be assembled and meet accordingly, shall have Power by a major Vote to chuse a Clerk, to enter and record all Votes and Orders, that from Time to Time shall be made and passed in the Proprietors Meetings; who shall be sworn to the faithful Discharge of this Office, as the Law directs, for the swearing of Town Officers. And to agree upon, and appoint any other Way or Method of calling and summoning Meetings for the future, as shall be most suitable and convenient to the Proprietors. As also to pass Orders for the managing, improving or dividing such common Lands, not before stated and divided; the Voices always to be collected and numbred according to the Interests present, where the same is known.

Fourteen Days Notice for a Meeting.

Power to choose a Clerk.

And no other Affair shall be transacted at any Meeting of the Proprietors, than what is expressed in the Warrant or Notification for such Meeting.

An Act,

Passed by the Great and General Court or Assembly of Her Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and Held at *Boston*, upon Wednesday the twenty-seventh Day of *May*, 1713.

CHAP. III.

An Act in Addition to the Act for regulating Fees; made and passed in the fourth Year of the Reign of King *William* and Queen *Mary*.

WHEREAS the Publick Notaries Office is not mentioned in the said Act, and has hitherto been under no Regulation as to Fees, but wholly at Pleasure:

4 *W. and M.* ca. 17.

Be it enacted by his Excellency the Governour, Council and Representatives now in General Court assembled, and by the Authority of the same, That the Fees to be demanded and taken in the said Publick Notaries Office, for the Particulars following: Be as herein expressed, and no higher: under the Penalty in the afore-recited Act mentioned. *That is to say:*

		l.	*s.*	*d.*
Protest.	For drawing and making a Protest, *six Shillings.*	00	06	00
Certificate.	For every Certificate under the Seal of the Office, *Four Shillings.*	00	04	00
Registring.	For entring, and registring Protests, and other Writings for the first Page, *twelve Pence:* and for so many Pages more as it shall contain *eight Pence* a Page, accounting after the Rate of twenty-eight Lines, of eight Words in a Line to each Page; and proportionably for so			
Attestation.	much more, as shall be under a Page: And *six Pence* for each Attestation on the Original.			

An Act,

Passed by the Great and General Court or Assembly of her Majesty's Province of the *Massachusetts-Bay* in *New-England*, begun and held at *Boston*, upon Wednesday the twenty-seventh of *May*, 1713. And continued by Prorogation unto Wednesday the fifth of *August* following, and then met; being their second Session.

CHAP. IV.

An Act for holding special Courts of Assize, and General Goal Delivery.

Preamble. *WHEREAS the Time set for holding a Superiour Court of Judicature, Court of Assize, and General Goal Delivery in the respective Counties, according to the present Establishment, is but once in six Months in and for any County; and in some Counties but once in twelve Months; by Reason of which Distance of Time Persons guilty of Murder may avoid Justice, either by making their Escape; or by the Death of the Witnesses: or otherwise great Charge may arise by long keeping such Criminals in Prison, and great Loss and Dammage be occasioned to the Witnesses being long detained till the Coming of the Court, especially if they are not Inhabitants, or are Sea-faring Men:*

For Prevention of which Mischiefs and Inconveniencies:

Be it enacted by his Excellency the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That it shall be lawful to and for the Governour, for the Time being, by and with the Advice and Consent of the Council, upon any extraordinary Occasion and Emergency, as aforesaid, by a Precept directed to the Justices of the Court of Assize and General Goal Delivery; to order and appoint them to hold a special Court, as soon as may be, for the Trial of any such capital Offender or Offenders; and to cause Venires to be issued forth for the summoning of Jurors for such Court out of the several Towns, as usual, for the stated Courts: And to make out all other necessary Processes; and do what else shall be requisite, according to the Powers given them, in and by the Act for establishing a Superiour Court of Judicature, Court of Assize and General Goal Delivery.

A special Court of Assize, and General Goal Delivery.

10 *G.* ca. 5.

Acts and Laws,

Passed by the Great and General Court or Assembly of Her Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and Held at *Boston*, upon Wednesday the twenty-seventh of *May*, 1713. And continued by several Prorogations unto Wednesday the fourteenth of *October* following, and then met; being their third Session.

CHAP. V.

An Act to prohibit shooting or firing off Guns, near the Road or High-Way, on *Boston* Neck.

Preamble.

WHEREAS the Limbs and Lives of several Persons, have been greatly endangered in riding over Boston *Neck, by their Horses throwing of them; being affrighted and starting, at the Firing of Guns by Gunners that frequent there after Game:*

For preventing whereof for the future:

Be it enacted by his Excellency the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That no Person or Persons from and after the Publication of this Act, may presume to Discharge or Fire off any Gun upon *Boston* Neck, within ten Rods of the Road or High-Way leading over the same, on Pain of forfeiting and paying the Sum of *twenty Shillings*, for each Gun so fired or discharged: One Moiety thereof to be to and for the Use of the Poor in the said Town of *Boston*; and the other Moiety to him or them that shall inform, complain, and sue for the same: To be recovered before the Court of General Sessions of the Peace with thein County, or before any one or more of her Majesty's Justices of the Peace out of Court. And for the better Conviction of Persons offending against this Act; it shall be lawful to and for any Freeholder to arrest and take into Custody any Gun so fired off, and render the same to one of the next Justices in *Boston*, in order to its being produced at the Time of Trial.

Penalty.

Guns to be seised.

CHAP. VI.

An Act in Addition to the Law of this Province, Intitled, An Act for High-Ways; made in the fifth Year of the Reign of the late King *William* and Queen *Mary*.

WHEREAS in and by the said Act, "The Select-Men of each Town "respectively within this Province, are thereby impowred by them- "selves or others, to lay out or cause to be laid out only such particular and "private Ways, as may be judged necessary for their respective Towns. *And whereas it may and does often happen, that the Lands of particular Persons or Proprietors, may be, and are so situated and circumstanced as to make or render a particular or private Way for the Use of such Person or Proprietor of absolute Necessity; which is not provided for in and by the said Act:*

5 *W.* & *M.* ca. 10.

Select-Men to lay out particular or private Ways.

Be it therefore enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That the Select-Men of each Town respectively, are hereby impowred, by themselves, or others whom they shall appoint, to lay out or cause to be laid out particular or private Ways between any of the Inhabitants or Proprietors within their respective Towns, as shall be thought necessary, to or for any and every original Lot laid out or to be laid out in and by any Town or Proprietors, so as no Dammage be done to any particular Persons or his Propriety, without due Recompence to be made either by the Town, if concerned, or such of the Inhabitants or Proprietors who desire and reap the Benefit of the same; as the Select-Men and Parties concerned may agree, or otherwise; as shall be ordered by the Justices of the Court of General Sessions of the Peace, as in and by the said Act is already directed and provided for.

And whereas it hath been (and may yet be) found by Experience, that the Select-Men of many Towns within this Province, through Relation or other Interest, have so very much delayed; and at other Times absolutely refused to lay out or cause to be laid out particular or private Ways, for or within their several Towns, when thereunto desired, and the same have been really necessary; which hath been to the very great Dammage and Grievance of Persons concerned:

Justices impowred, by a Committee, to lay out particular or private Ways.

Recompence.

Be it therefore further enacted by the Authority aforesaid, That when and so often as the Select-Men of any of the Towns within this Province, shall unreasonably delay or refuse to lay out, or cause to be laid out, any such particular or private Ways as aforesaid, to any such original Lot or Lots as aforesaid, being thereunto desired by one or more of the Inhabitants or Proprietors of Land within their Towns respectively; that then, and in such Case, her Majesty's Justices of the Peace within the several Counties of this Province, at any of their General Sessions, may, and are hereby impowred, by a Committee whom they shall appoint, to lay out, or cause to be laid out such particular or private Ways, within or for such Town; or for or between any of the Inhabitants thereof, to or for any such original Lot or Lots, as aforesaid; so as no Dammage be done to any particular Person in his Land or Propriety, without due Recompence to be made either by the Town, if it be of general Benefit; otherwise by such of the Inhabitants as have the Benefit of such particular or private Way, as shall be ordered by the Justices in their Sessions as aforesaid, upon Inquiry into the same, by a Jury to be summoned for that Purpose: Any Law, Usage or Custom to the contrary notwithstanding.

CHAP. VII.

An Act to prevent the annoying or stopping up of Harbours; and the unjust taking off Ballast from the Shoar.

Penalty for casting Ballast into the Harbour, &c.

Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That no Master or Commander of any Ship or other Vessel, coming from Sea into any Road, Port or Harbour within this Province, shall presume to unload or throw over-board, any Ballast or Rubbish into such Road, Port or Harbour, under the Penalty of *Twenty Pounds*: And in the ballasting or unballasting any Ship or other Vessel, there shall be a Canvas or Tarpolin, which shall reach from the Ballast Port or Gunnel, to the Lighter or Boat; to prevent any Part of the Ballast or Rubbish falling into such Port,

Road

Road and Harbour as aforesaid. Nor shall any such Commander or Master, as aforesaid, take off any Sort of Ballast from any Island, Beach or other Land, being the Propriety of any Town or of any particular Person or Persons within this Province, without leave first had and obtained from the Select-Men of such Town, or the major Part of them, or from such Person or Persons as they shall entrust therewithal, or other the Proprietor; under the Penalty of *Forty Shillings*; to be recovered before a Justice of the Peace. Penalty for taking Ballast without Leave.

Provided, That this Act shall not extend to the hindering any Commander or Master of any Ship or other Vessel, after they are under Sale outward Bound, who find a Necessity of taking in more Ballast, to take the same from off any Island, Beach or other Land, as above-mentioned, making Satisfaction therefor. Proviso.

The Penalties arising by this Act, to be one Half thereof for the Use of the Poor of the Town where the Offence is committed; the other Half to the Use and Benefit of the Informer. The Penalty of *Twenty Pounds* aforesaid, to be recovered by Bill, Plaint or Information, in any of her Majesty's Courts of Record within the respective Counties where the Offence shall be committed. Forfeitures how to be disposed.

CHAP. VIII.

An Act for the better securing of the Bills of Credit on this Province from Forgery and Corruption.

BE it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That any one who shall detect and convict any other Person or Persons, that shall have made a Plate or Press wherewith to work off, forge or counterfeit, any of the Bills of Credit on this Province, or that shall have signed any Bill made on such counterfeit Plate, shall be intitled to a Reward of *Fifty Pounds*; to be paid out of the public Treasury, by Warrant from the Governour, by and with the Advice and Consent of the Council, for every Person they shall detect and convict to be guilty as aforesaid, and shall be pardoned and indempnified, if they have been concerned in the Forgery. Fifty Pounds for convict in any Person of making a Press, &c.

That any Person or Persons that first discovers any false Bill made on a new counterfeit Plate, shall be intitled to a Reward of *Five Pounds*; to be paid out of the public Treasury, in Manner as aforesaid. Five Pounds for Discovery of Bills made off a false Plate.

An Act,

Passed by the Great and General Court or Assembly of her Majesty's Province of the *Massachusetts-Bay* in *New-England*, begun and held at *Boston*, upon Wednesday the twenty-seventh of *May*, 1713. And continued by several Prorogations unto Wednesday the tenth of *February* following, and then met; being their fourth Session.

CHAP. IX.

An Act in Addition to the Act for upholding and regulating of Mills.

WHEREAS *it hath been found by Experience, that when some Persons in this Province have been at great Cost and Expences, for building of Mills serviceable for the public Good and Benefit of the Town, or considerable Neighbourhood, in or near to which they have been erected; that in raising a suitable Head* 8 *A.* ca. 1.

Head of Water for that Service, it hath ſometimes ſo happened that ſome ſmall Quantity of Lands or Meadows have been thereby flowed and damnified, not belonging to the Owner or Owners of ſuch Mill or Mills, whereby ſeveral Controverſies, and Law Suits have ariſen:

For Prevention whereof for the future:

Mills built on Lands by the Owners, or by their Conſent to be continued.

Be it therefore enacted by his Excellency the Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame, That where any Perſon or Perſons have already, or ſhall hereafter, ſet up any Water Mill or Mills, upon his or their own Lands, or with the Conſent of the Proprietors of ſuch Lands legally obtained, where upon ſuch Mill or Mills is, or ſhall be erected or built; that then ſuch Owner or Owners ſhall have free Liberty to continue and improve ſuch Pond for their beſt Advantage, without Moleſtation.

Remedy for Dammage on Land being over-flowed.

And if any Perſon or Perſons find themſelves aggrieved and damnified in their Propriety of Lands, by its being flowed by the Owner or Occupant of ſuch Mills ſtopping or raiſing the Water; that in every ſuch Caſe, the Party ſo damnified in his Propriety, upon Application for Relief to the Court of General Seſſions of the Peace in the County where ſuch Mills or Pond is; the ſaid Court be and hereby are impowred to iſſue out a Warrant directed to the Sheriff of the ſame County, to ſummon and impannel a Jury of good and lawful Men at the proper Coſt and Charge of the Owner or Owners of ſuch Mill or Mills; and the Jury ſhall be Sworn by a Juſtice of the Peace, to a faithful indifferent Appriſal of the yearly Dammage done to the Perſon Complainant, by flowing his or their Land as aforeſaid; and the Jurors Verdict being returned by the Hand of the Sheriff, to the next Court of Quarter Seſſions of the County, where ſuch Mill or Pond is; being allowed and recorded, ſhall be a ſufficient Bar againſt any Action to be brought for any Dammages occaſioned by the flowing of any ſuch Lands as aforeſaid: Save only an Action of Debt, which the Complainant may bring for the Recovery of ſuch yearly Sum or Sums of Money, from the Owner or Occupant of ſuch Mill aſſeſt as aforeſaid, during the Time of ſuch flowing.

But if the Jury find no Dammage for the Complainant, then he or they to be at the Coſt of the Jury, as ſhall be allowed by the Juſtices of the ſaid Court.

Acts and Laws,

Paſſed by the Great and General Court or Aſſembly of Her Majeſty's Province of the *Maſſachuſetts-Bay* in *New-England*, Begun and Held at *Boſton*, upon Wedneſday the twenty-ſixth Day of *May*, 1714.

CHAP. I.

An Act to prevent cauſeleſs Arreſts, &c.

Writs to be endorſ'd.

Be it enacted by his Excellency the Governour, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame, That every Perſon, Principal or Attorney, Executor or Adminiſtrator taking out a Writ or Attachment againſt another, before he receive it out of the Clerk's Office, ſhall endorſe his SirName on the back thereof towards the Bottom; and ſhall ſtand chargeable and be liable to anſwer and pay to the adverſe Party his Coſts ariſing by the Arreſt, and charge of Impriſonment (if any be) to be taxed in common Form by the Judges of the Court where the Writ is returnable in Caſe of non Proſecution, Diſcontinuance;

Discontinuance; or that the Plantiff be Non-suit, or Judgment pass against him, to be levied on the Principal, the Executor, Administrator or Attorney, that endorsed or took out such Writ; if the Principal be without the Province or be unable to pay the same.

And no Person shall entertain more than two of the sworn allowed Attorney at Law, that the adverse Party may have Liberty to retain others of them to assist him, upon his Tender of the established Fee, which they may not refuse. No Person to entertain more than two Attorney's.

And be it further enacted by the Authority aforesaid, That if the Plantiff in any Action, suffer a Non-suit through the Default, Negligence or Omission of his Attorney that drew the Writ, being an Attorney at Law, practising and legally admitted in the Courts of Law within this Province by mislaying of the Action, or otherwise; such Attorney shall draw a new Writ without a Fee, in Case the Plantiff see Cause to revive his Suit. Attorney's mislaying the Action the draw a new Writ without a Fee.

CHAP. II.

An Act enlarging the Pay of the Representatives.

Preamble.

WHEREAS *the Allowance by Law granted to the Representatives of the several Towns for their Service in attending of the Great and General Court or Assembly, as by Law established, is only* three Shillings *per Diem a Man; which is not sufficient to answer the Charge of their Travel and necessary Expence:*

Be it therefore enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That from the beginning of this present Session and ever after, until this Court shall order otherwise, there be paid by each Town respectively *four Shillings* in Money *per Diem*, to each of their Representatives, during their Attendance on the Court, and for the necessary Time expended in their journeying to and from thence, to be paid within one Month next after the End of each Session respectively; any Law, Usage or Custom to the contrary notwithstanding. 4 *s. per Diem* to each Representative.

CHAP. III.

An Act for the more effectual preventing the Corruption and counterfeiting the Bills of Credit on this Province.

BE it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That every Person convicted of falsifying, forging or counterfeiting any of the Bills of Credit on this Province; or of augmenting, altering or increasing the Sum in any of the said Bills; or of making a false and counterfeit Plate; and shall fall into the said Transgression in any of the Particulars afore-mentioned a second Time, and be thereof duly convicted; every such Offender shall be deemed and adjudged a Felon, and suffer the Pains of Death, as in Cases of Felony: Any Law, Usage or Custom to the contrary notwithstanding. A second Conviction made Felony. 7 *G.* cap. 4.

CHAP.

CHAP. IV.

An Act for preserving the Harbour at *Cape Cod*, and regulating the Inhabitants and Sojourners there.

Preamble.

WHEREAS *the Harbour at* Cape Cod, *being very useful and commodious for fishing, and the Safety of Shipping both inward and outward bound, is in Danger of being damnified, if not made wholly unserviceable, by destroying the Trees standing on the said* Cape, *(if not timely prevented ;) the Trees and Bushes being of great Service to keep the Sand from being driven into the Harbour by the Wind :*

Penalty for barking or boxing Pine Trees.

Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That from and after the Publication of this Act, no Person or Persons may presume to bark or box any Pine Tree or Trees, standing upon any of the Province Lands on the said *Cape* for the drawing of Turpentine ; on Pain of forfeiting and paying the Sum of *ten Shillings*, for each Tree so barked or boxed, and the Turpentine drawn from them, if to be found ; one Moiety thereof to her Majesty for the Support of her Majesty's Government within this Province, and the other Moiety to him or them that shall inform or sue for the same in any of her Majesty's Courts of Record within this Province.

The Lands on *Cape Cod* made a Precinct.

The Inhabitants to settle a Minister & allow him 60*l per Annum.*

And be it further enacted by the Authority aforesaid, That whereas a Number of Inhabitants are settled upon the said *Cape*, and many others resort thither at certain Seasons of the Year to make fishing Voyages there, which has not hitherto been under the Government of any Town, or Regulation among themselves ; that henceforth all the Province Lands on the said *Cape* be a District or Precinct ; and the Inhabitants there are obliged to procure and support a learned orthodox Minister of good Conversation to dispense the Word of God among them, and to allow him *sixty Pounds* a Year Maintenance.

And for the better enabling them to raise and pay the said yearly Maintenance, with the Assistance of such as sojourn among them at the fishing Seasons, and have the Privilege of the Audience with them :

Fishermen to pay *four Pence* a Week *per* Man to the Support of the Minister.

Be it further enacted, That all and every Person and Persons coming to abide and sojourn there on fishing or whaling Voyages, during his and their Continuance and Abode there, shall pay *four Pence* a Man *per* Week weekly, to be paid by the Master of the Voyage or Boat, for his whole Company, to *Ebenezer Doné*, who is hereby appointed and impowred to be the first Collector and Receiver of the said Rate or Duty, on Behalf and to the Use of the Minister of the Precinct. And upon Neglect or Refusal of any Person or Persons to make Payment as aforesaid, to levy the same by Distress by Warrant to him directed from the next Justice of the Peace ; such Justice being also hereby impowred upon Complaint to him made, to issue forth a Warrant of Distress accordingly.

Collector.

Distress.

Put under the Constablerick of *Truro*.

And the said District or Precinct is hereby annexed and put under the Constablerick of *Truro*, until this Court take further Order : And the Select-Men or Assessors of *Truro* are hereby directed and impowred to assess and apportion on the Inhabitants of the said Precinct from Time to Time, such Sum and so much as the Duty as aforesaid, laid upon the Fishermen shall fall short of making up *sixty Pounds per Annum*, for the Minister, directed as aforesaid, and to make out a Warrant as the Law directs for the gathering of the said Assessment.

Acts and Laws,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and Held at *Boston*, upon Wednesday the twenty-fifth of *May*, 1715.

CHAP. I.

An Act against Burglary.

WHEREAS notwithstanding the Laws already made for the punishing of criminal Offenders, many Persons of late have been so hardy, as to break open in the Night, the Dwelling Houses of several of his Majesty's good Subjects, and have not only stolen their Goods, but put them in Fear and Danger of their Lives: 4 *W.* & *M.* ca. 5.

Be it therefore enacted by the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That if any Person or Persons shall here-after in the Night Time break and enter into any Dwelling House then inhabited, with a felonious Intent to rob or kill, or to do some other Felony; he or they so offending and being thereof convicted, shall be adjudged to suffer the Pains of Death: Any former Law, Usage or Custom to the contrary notwithstanding.

CHAP. II.

An Act for the better preserving, increasing, and securing Naval Stores; particularly Tar, Turpentine, and Rozin, within this Province.

WHEREAS there has been Waste and Stroy made of the Pine Trees, and other Timber, within this Province:

For Prevention whereof:

Be it enacted by his Excellency the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That from and after the Publication of this Act, no Person or Persons may presume to cut or carry off any Tree Trees, or Timber, bark or box any Pine Tree or Trees, for the drawing of Turpentine standing upon any of the Lands belonging to this Province, Proprietors, Townships, or particular Persons, without Leave or Licence first had and obtained from the Owner or Owners thereof: on Pain of forfeiting and paying the Sum of *twenty Shillings*, for every Tree so cut or removed, bark'd or boxed. And the Turpentine drawn from them when found either in the Trees aforesaid, Barrels, or other Vessels lying upon the said Lands, to be a like forfeited: One Moiety thereof to the respective Owners of the said Land and Trees, the other Moiety to be to him or them that shall inform or sue for the same before any Justice of the Peace in the County where the Offence is committed; if the Forfeiture exceed not *forty Shillings*, but if above that Value, in any of his Majesty's Courts of Record, within this Province.

Acts and Laws,

Passed by the Great and General Court or Assembly of his Majesty's Province of the *Massachusetts-Bay* in *New-England*, begun and held at *Boston*, upon Wednesday the twenty-fifth of *May*, 1715. And continued by Prorogation unto Wednesday the twentieth Day of *July* following, and then met.

CHAP. III.

An Act for building and maintaining a Light-House upon the Great Brewster (called *Beacon Island*) at the Entrance of the Harbour of *Boston*.

Preamble. *WHEREAS the Want of a Light-House at the Entrance of the Harbour of* Boston, *hath been a great Discouragement to Navigation, by the Loss of the Lives and Estates of several of his Majesty's Subjects:*

For Prevention whereof:

Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That there be a Light-House, erected at the Charge of the Province, on the souther-most Part of the Great Brewster call *Beacon-Island*, to be kept lighted from Sun-setting to Sun-rising.

Duty to be paid. That from and after the building of the said Light-House, and kindling a Light in it, useful for shipping coming into or going out of the Harbour of *Boston*, or any other Harbour within the *Massachusetts-Bay*, there shall be paid to the Receiver of Impost, by the Master of all Ships and Vessels, except Coasters, the Duty of *one Penny per* Tun, inwards; and also *one Penny per* Tun, outwards, and no more, for every Tun of the Burden of the said Vessel, before they load or unload the Goods therein.

Measure of Vessels. And that all Vessels havnig two Decks shall be measured upon the Main-Deck, from the Stem to the Stern Post, then subducting the Breadth from Out-Side to Out-Side athwart the main Beam, the Remainder to be accounted her Length by the Keel, which being multiplied by the Breadth aforesaid, and the Product thereof multiplied by one Half of the said Breadth as the Depth of the Hold: And the whole Product divided by one Hundred, the Quotient shall be accounted the Tunnage of said Ship or Vessel; and all Ships or other Vessels having a single Deck, or Deck and Half, to be measured in the same Manner (except the Depth in Hold) which shall be from the Under-Side of the main Beam to the Cieling.

Coasters who. That none shall be accounted Coasters by this Act, but such who import only Provisions, Tar, Pitch Turpentine, or Lumber, whose Owners belong to this Province, or the Provinces or Colonies of *Rhode-Island*, *Connecticut*, *New-York*, *Jerseys*, *Pensilvania*, *Maryland*, *Virginia*, *North-Carolina* and *Nova-Scotia*; and that are *bonâ fide* bound to some of the fore mentioned Governments; all such Coasters to pay only *two Shillings* each Time they clear out.

That all Fishing Vessels, Wood-Sloops, *&c.* employ'd in bringing of Fish, Wood, Stones, Sand, Lime or Lumber, from any of the Parts within this Province, coming into said Harbour of *Boston &c.* pay *five Shillings* at their first coming in or going out, and no further Payment to be demanded of them by the Space of one Year next following.

And

And the Commissioner or Receiver of Impost is hereby impowred by himself or Deputies, by him to be appointed, to collect and receive the several Duties aforesaid; to sue for and Recover the same by Action of Debt in the Inferiour Court of Common Pleas, in the County where said Vessel loads or unloads, wherein no Essoign or Wager of Law shall be allowed, nor more than one Imparlance; and where the Sum does not exceed *Forty Shillings*, before one single Justice of the Peace. Duties how to be recovered.

And the Commissioner of Impost or Deputy shall attend at his Office at certain Hours *de Die in Diem*, for entring Ships and Vessels, and to give Certificate of paying the Duty thereof to the Naval Officer, for which he shall demand and receive *six Pence*, and no more. Commissioner to attend at certain Hours.

And no Ships or Vessels shall be cleared by the Naval Officer, until such Certificate be produced that the Duty of the Light-House be paid; and the Ship with Master shall stand charged with the Duty thereof, till paid to the Commissioner of Impost. Naval Officer not to clear, until, &c.

And be it further enacted by the Authority aforesaid, That the Person who shall be appointed from Time to Time by the General Court or Assembly to be the Keeper of the said Light-House, shall carefully and diligently attend his Duty at all Times in kindling the Lights from Sun-setting to Sun-rising, and placing them so as they may be most seen by Vessels coming in or going out; and upon Conviction of Neglect of his Duty before the Court of General Sessions of the Peace within the County, shall be liable to be fined according to the Degree and Circumstances of his Offence, not exceeding *One Hundred Pounds*; two thirds thereof to be to his Majesty, to and for the Support of the Government of this his Majesty's Province, and the other third Part thereof to the Person or Persons that shall inform of such Neglect; to be recovered by Bill, Plaint or Information in any of his Majesty's Courts of Record within this Province. Keeper of the Light-House carefully to attend his Duty. Penalty.

CHAP. IV.

An Act for the more safe keeping the Registry of Deeds and Conveyances of Lands.

Additional Act. 7 *G.* ca. 6. 12 *G* ca. 3.

WHEREAS the registring of Deeds and Conveyances of Lands hath for a long Time past proved very beneficial upon many Accounts:

Be it therefore enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That for the more safe and convenient keeping the Registry of Deeds and Conveyances as aforesaid, there shall be chosen in each County within this Province, some discreet, suitable Person having a Freehold within the same, to the Value at least of *Ten Pounds per Annum*, to be the Register in such County, who shall be chosen by the Votes of the Freeholders of each respective Town, at their Meeting in *March* next, by the same Rule and Method as by Law is prescribed for the choosing of County Treasurers. And the Person so chosen and accepting thereof, being first sworn before the Superiour or Inferiour Court, or two Justices within the County *Quorum Unus*; shall be and continue in the aforesaid Office five Years unless removed or displaced by Order of the Court of General Sessions of the Peace in such County, for Misdemeanour or Failure in his Duty; the said Officer to give Bond to the Value of *Five Hundred Pounds*, with two Sureties, for the faithful Discharge of his Trust. And in Case of Non-acceptance, Death or Removal of any such Person so elected, two or more of his Majesty's Justices within such County *Quorum Unus*, are hereby impowred to grant out their Warrants directed to the Select- A Register to be chosen by the Freeholders in *March*. To continue five Years unless. To give Bond. A new Election in Case

Men of the ſeveral Towns within ſuch County, ordering them forthwith to convene the Freeholders of their reſpective Towns, and proceed to the Choice of ſome other meet Perſon; the Votes to be brought in as aforeſaid. And that there ſhall be a publick Office in the Shire Town of each County within this Province, for regiſtring of Deeds and Conveyances as aforeſaid. And that the Fees for regiſtring ſhall be the ſame as is therefor already by Law eſtabliſhed: Any Law, Uſage or Cuſtom to the contrary notwithſtanding.

The Office to be kept in the Shire Town.

CHAP. V.

An Act in Addition to an Act for regulating Fees.

4 *W.* and *M.* ca. 17. 3 *G.* ca. 6.

WHEREAS in the aforeſaid Act there is not mention made of the Fees to be taken for many Things which may from Time to Time be entred, recorded, regiſtred, and copied, either in the Secretary, or Clerks Offices, of the ſeveral Courts within this Province:

Be it therefore enacted by his Excellency the Governour, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame, That no Officer whatſoever ſhall aſk, demand and take any more than *twelve Pence* a Page, each Page containing twenty-eight Lines, eight Words in a Line; and ſo proportionable for the entring, recording, regiſtring, and copying all and every Matter, and Thing whatſoever; on Pain of forfeiting and paying the like Sum of *ten Pounds*, as by the aforeſaid Law is provided.

Fee for copying the Page.

Penalty.

CHAP. VI.

An Act in Addition to An Act of Limitation for quietting of Poſſeſſions.

9 *W.* ca. 8.

WHEREAS the Limitation of Time for the Continuance of Poſſeſſion by the aforeſaid Act, did not extend or was underſtood to extend unto any Houſes or Lands lying to the Eaſtward *of* Piſcataqua-River, *or in other the Frontiers referred to in ſaid Act; but a further Time was enlarged and lengthened out for the Space of five Years next after the ending of the War with the Indians, during which Space all Perſons might purſue their Right and Claim to any Houſes and Lands lying in thoſe Parts: And foraſmuch as ſince the enacting the aforeſaid Law, the Peace was made and concluded with the ſaid Indians in the tenth Year of the Reign of his late Majeſty King* WILLIAM; *notwithſtanding which the aforeſaid Indians broke out again into open War and Rebellion in the ſecond Year of her late Majeſty's Reign, and continued the ſame until the laſt Year; by Reaſon of which Ruptures Perſons could not without great Hazzard and Dufficulty purſue their Right and Claim to Houſes and Lands lying to the* Eaſtward *of* Piſcataqua-River, *or in other the aforeſaid Frontiers: And in as much as the ſetling of the* Eaſtern *Parts and Frontiers will be of great Benefit to this Province: The Accompliſhment whereof will be very much retarded and hindred unleſs Perſons can be ſecured in their Purchaſes and Poſſeſſions:*

Be it therefore enacted by his Excellency the Governour, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame, That there ſhall be a further Time of five Years from the laſt of this Inſtant *July*, one Thouſand ſeven Hundred and fifteen, allowed all Perſons to purſue their Right and Claim to any Houſes and Land in thoſe

Five Years Time further.

those Parts and Places and every of them, and no longer. And all Actions and Proceſſes to be there-after brought for the ſame, are hereby excluded and for ever debarred.

Provided always, That there ſhall be a Saving of all public Lands belonging to this Province, not orderly diſpoſed of.

Provided alſo, That this Act ſhall not be underſtood to bar the Title of any Infant, *Feme Covert*, or Perſon *non compos Mentis*, impriſoned or in Captivity; who ſhall be allowed the Term of five Years next after ſuch Imperfection removed, to purſue their Claim or Challenge to any Houſes or Lands wherein they have Intereſt or Title: And the Time of five Years ſhall be allowed to Perſons having an Eſtate in Reverſion in any Houſes or Lands, from the Time ſuch Reverſion falls to recover their Right: And Perſons beyond Sea ſhall be allowed the Term of ten Years from the Publication of this Act, to purſue their Claim and Challenge to any Houſes or Lands, as aforeſaid.

Proviſo. Intereſt, &c. Five Years after, &c.

Perſon beyond Sea ten Years.

Acts and Laws,

Paſſed by the Great and General Court or Aſſembly of His Majeſty's Province of the *Maſſachuſetts-Bay* in *New-England*, Begun and Held at *Boſton*, upon Wedneſday the twenty-fifth of *May*, 1715. And continued by ſeveral Prorogations unto Wedneſday the twenty-third of Day *November* following, and then met.

CHAP. I.

An Act in Addition to an Act for erecting of a Powder-Houſe in *Boſton*.

WHEREAS the Confiſcation of Powder kept in Houſes and Ware-Houſes, has not been found ſufficient to deter Men from ſo keeping the ſame, to the great Diſcouragement and Dammage of ſuch as aſſiſt in Time of Fire; to endeavour the extinguiſhing thereof: 5 *A* ca. 3. 5 *G.* ca. 2.

Be it therefore enacted by the Lieutenant Governour, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame, That from and after the Publication hereof, any Perſon within the Town of *Boſton*, that ſhall preſume to keep in his Houſe or Ware-houſe any Powder, above what is by Law allowed, ſhall forfeit and pay for every Half Barrel, the Sum of *Five Pounds*, and ſo *pro rato* for every greater Quantity over and above the Forfeiture or Confiſcation of the ſaid Powder; one Moiety thereof to be for the Uſe of the Poor of the Town, to be paid to the Town Treaſurer, the other Moiety to the Firewards, or any others that ſhall ſue for the ſame.

Penalty.

And be it further enacted by the Authority aforeſaid, That the Quantity of Powder allowed to be kept in Shops for Sale in *Boſton*, do not exceed twenty-five Pounds: Any Law, Uſage or Cuſtom to the contrary thereof notwithſtanding. *Saving nevertheleſs*, The ordinary Town Stocks, as in the afore-recited Act is expreſſed.

Quantity of Powder allow'd to be kept in Shops.

And whereas there is often Danger by careleſs Perſons carrying Powder thro' the Town uncovered:

Be it therefore enacted by the Authority aforeſaid, That after the Publication of this Act, no Perſon whatſoever preſume to carry thro' the Town any half Barrel, Barrel or Barrels of Powder, unleſs ſecured by ſome ſufficient covering of Leather or Cloth ſpread over it; on Penalty of forfeiting *Ten Shillings per* Barrel, for each Offence, and ſo *pro rato* for Caſks of leſſer Size, to be recovered

Powder to be covered when carried thro' the Town.

Penalty. recovered of the Persons carrying the same; by Bill, Plaint or Information before any Court proper to try the same.

And whereas the Town of Boston *has often been in great Hazzard of Fire, by throwing of Squibs, Serpents and Rocketts, and by the performing of other Fire-Works:*

Penalty for throwing Squibs, &c. **It is further enacted by the Authority aforesaid,** That any Person or Persons whosoever shall throw any Squibs, Serpents or Rockets, or perform any other Fire-Works within the Streets, Lanes or Alleys in the Town of *Boston*, or upon or from the Houses within the same, shall forfeit and pay the Sum of *twenty Shillings* for every such Offence, to be recovered by Bill, Plaint or Information, before a Justice of the Peace, or in any of his Majesty's Courts of Record; the one Half of the aforesaid Fines to be to the Informer, and the other Moiety to the Use of the Poor of the Town.

Children and Servants to be fined or punished for throwing Squibs, &c. **And be it further enacted by the Authority aforesaid,** That if any Children or Servants of the Age of twelve Years and upwards shall offend against this Act in any of the Particulars therein mentioned, and their Parents or Master refuse to answer the Forfeiture or Dammage awarded against them; they shall be punished by setting in the Stocks or Cage, or by Imprisonment, not exceeding twenty-four Hours, at the Discretion of the Court or Justice before whom the Prosecution shall be, according to the Nature and Degree of the Offence, and Circumstances aggravating.

Parents or Masters to pay for Children under the Age of 12 Years. And the Parents or Masters of any Child or Servant under the Age of twelve Years, shall pay a Fine of *Ten Shillings* for any such Child or Servant transgressing, as aforesaid.

Firewards to sue for the Fines. And the Firewards are hereby directed to take effectual Care to put this Act in Execution, and are fully impowred to sue for, recover and take the several Fines and Forfeitures afore-mentioned, by Bill, Plaint or Information, in any of his Majesty's Courts of Record within this Province.

CHAP. II.

An Act for preventing Dammage to the Housing and other Estate, within the several Towns of this Province.

Preamble. *WHEREAS many Persons of late have been so mischievous, more especially in the Time of public Rejoycings, as to break the Glass Windows of several Houses, and to commit divers other Insolencies in one or more of the Towns within the said Province:*

For Prevention whereof for the future:

Glass Windows not to be broken. **Be it enacted by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same,** That from and after the Publication of this Act, if any Person or Persons shall wilfully break the Glass Windows of any House within any of the Towns of this Province, either those made Use of for public Occasions or belonging to any private Person, or, by throwing Stones, Snow-Balls, kicking Foot-Balls, or any other Ways; or shall wilfully break down any Fences belonging to any such House or Houses, or any Pastures or other Inclosures, and be thereof

Fences not to be broken, legally convict before one or more of his Majesty's Justices of the Peace within such County, or before the Court of General Sessions of the Peace within the County where such Town lies, he or they so offending shall not only be liable to the Suit or Action of the Owner or Possessor of such House or Fences so damnified, but shall also pay a Fine of *twenty Shillings* at least, and not exceeding the Sum of *Five Pounds*, for the Use of the Poor of the said Town.

Penalty.

And

And be it further enacted by the Authority aforesaid, That the Treasurer for the Time being of the Town where the Offence is committed, be, and hereby is directed and impowred to sue any Person or Persons who shall do any Dammage as aforesaid, to any of the Houses made Use of by the Publick, either on civil or religious Accounts, or to any of the Publick Burying-Places; and the Money recovered on such Suit shall be appropriated for the repairing of such House or Houses, or Burying-Places so damnified. Treasurer impowred to sue for the Fines.

And be it further enacted by the Authority aforesaid, That if any Person or Persons offending against this Act, and being thereof convict; shall refuse to pay the Fine above-mentioned (or when they are Children or Servants their Parents or Masters shall refuse to pay the same) he or they so convict shall be punished by Whipping, setting in the Stocks or Cage, or by Imprisonment, at the Discretion of the Court or Justice before whom the Prosecution shall be, according to the Nature and Degree of the Offence and Circumstances aggravating the same. Persons refusing to pay the Fine to be punished.

CHAP. III.

An Act in Addition to the Act, Intituled *An Act against counterfeiting the Bills of Credit of this Province*, pass'd in the third Year of her late Majesty Queen *Anne*. 3 *A.* ca. 2.

WHEREAS in the said Act, there is no Provision made for the Rewarding of such Persons as shall make Discovery of the altering or increasing the Value of any of the Bills of Credit on this Province, by Law established:

Be it therefore enacted by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That whosoever shall give Information of any Person or Persons altering or increasing the Sum or Figures, set and expressed in any of the Bills of Credit on this Province, now made or hereafter to be made; or of any Person or Persons uttering any such Bill or Bills, knowing the same to be so altered or increased, so that the Person or Persons guilty thereof be rendered to Justice and convicted; every such Informer shall receive as a Reward for his good Service therein, the Sum of *ten Pounds*, to be paid to him out of the publick Treasury; and to be repaid into the Treasury out of the Offenders Goods or Estate, so far as that will extend, by Order of the Court where the Person shall be convicted. Bills of Credit not to be altered or increased. Penalty.

CHAP. IV.

An Act in further Addition to the Act for encouraging the killing of Wolves, made in the fifth Year of the Reign of King *William* and Queen *Mary*. 5 *W.* and *M.* ca. 3. 7 *W.* ca. 5.

BE it enacted by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That from and after the Publication of this Act, the Reward for Killing a Grown Wolf shall be the Sum of *forty Shillings*, to be paid according to the Provision made in said Act. Wolves to be destroy'd. Reward.

And

And for as much as ſome Towns in this Province have ſuffered in their Sheep by unruly and ravenous Dogs:

Unruly and ravenous Dogs to be deſtroyed.

Be it enacted by the Authority aforeſaid, That whenſoever it ſhall happen that any Dog ſhall kill or wound any Sheep, and Proof be made thereof before any of His Majeſty's Juſtices of the Peace for the County, where ſuch Dammage is done, the ſaid Juſtice is required ſpeedily to notify the Owner of ſaid Dog of ſuch Dammage; and if ſaid Dog be not killed within forty eight Hours after ſuch Notice given, the Owner ſhall forfeit the Sum of *five Pounds*, to be recovered by Action, Bill, Plaint or Information, in any of His Majeſty's Courts of Record within this Province, and to be diſpoſed for the Uſe of the Poor of the Town where the Dammage is done; and the ſaid Owner ſhall be further liable to the Action of any Perſon damnified, as aforeſaid.

Penalty.

CHAP. V.

An Act for the better regulating of Town and Proprietary Meetings.

Preamble.

WHEREAS *by Reaſon of the diſorderly Carriage of ſome Perſons in ſaid Meetings, the Affair and Buſineſs thereof is very much retarded and obſtructed:*

For preventing whereof:

Be it enacted by the Lieutenant Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame, That at every ſuch Meeting a Moderator ſhall be firſt choſen by a Majority of Votes, who ſhall be thereby impowred to manage and regulate the Buſineſs of that Meeting. And when it ſhall ſo happen that any Matter remains doubtful after a Vote, the Moderator is hereby directed and required that the ſame be decided by the Poll; if ſeven or more deſire it, preſently after the Vote is called in Queſtion; in Proprietary Meetings the ſaid Polls to be numbred according to their Intereſt.

Moderator to be choſen by the Majority of Votes.

Penalty on Perſons ſpeaking without leave from the Moderator.

And be it further enacted, That no Perſon preſume to ſpeak before Leave firſt obtained from the Moderator; nor when any other is orderly ſpeaking. And that all Perſons be ſilent at the Deſire of the Moderator, under the Penalty and Forfeiture of *five Shillings*, for the Breach of every ſuch Order. And if any Perſon being by the Moderator notified of ſuch Offence ſhall ſtill perſiſt in the ſame, that then the Moderator ſhall order ſuch Perſon to with-draw from ſaid Meeting, and ſuch Offender upon his Refuſal thereof, ſhall forfeit and pay the Sum of *twenty Shillings*; the reſpective Forfeitures to be recovered by the Town-Treaſurer of ſuch Town, wherein any of the aforeſaid Offences ſhall be committed, before any one or more of His Majeſty's Juſtices of the Peace for the County wherein ſuch Town lies, to be diſpoſed of; the one Half for the Uſe of the Poor of ſaid Town, the other Half to the ſaid Town-Treaſurer.

Town Treaſurer to recover the Fines.

Ten or more Freeholders may deſire a Town Meeting.

And be it further enacted, That when and ſo often as ten or more of the Freeholders of any Town ſhall ſignify under their Hands to the Select-Men their Deſire to have any Matter or Thing inſerted into a Warrant for calling a Town-Meeting, the Select-Men are hereby required, to inſert the ſame in the next Warrant they ſhall iſſue, for the calling a Town-Meeting. And that no Matter or Thing whatſoever, ſhall be voted or determin'd but what is inſerted in the Warrant for calling ſaid Meeting.

4 *W.* and *M.* ca. 18.

Provided, That Town-Meetings for Choice of Repreſentatives be regulated by the Select-Men, as is ordained in the fourth Year of King WILLIAM and Queen MARY.

CHAP.

CHAP. VI.

An Act in Addition to the Act Intituled, An Act for regulating of Townships, Choice of Town-Officers, and setting forth their Power, made and passed in the fourth of *William* and *Mary*.

4 *W.* and *M.* ca. 12.

BE it enacted and declared by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That where any Person or Persons is convicted of the Breach of a Town Order or By-Law before a Justice of the Peace, and neglect, or be unable to pay their Fine; that in every such Case, it shall and may be lawful to and for such Justice, to Order such Person or Persons either to stand committed to the Goal of the County, by the Space of twenty-four Hours, and not exceeding five Days, or be set in the Cage or Stocks, not exceeding the Space of four Hours.

CHAP. VII.

An Act in Addition to an Act Intituled, *An Act for the Settlement and Distribution of the Estates of Intestates*, made and passed in the fourth Year of the Reign of King *William* and Queen *Mary*.

4 *W.* and *M.* ca. 2.

BE it enacted by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That where two or more have Letters of Administration granted them of any Intestates Estate, and one or more of them take all or the greatest Part of such Estate into his or their Hand or Hands, and refuse to pay the Debts or Funeral Charges of such Intestate, or come to an Accompt with the other Administrator; that then and in such Case, it shall and may be lawful for such Administrator aggrieved, to bring his Action of Accompt against the other Administrator or Administrators of the Estate of the Intestate, in his or their Hands, and recover his proportionable Part or Share of such Intestates Estate, as shall belong or appertain unto him, after Debts, Funeral Charges, and other Dues of the Intestates are fully satisfied and paid: Any Law, Usage or Custom to the contrary thereof in any wise notwithstanding.

Acts and Laws,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and Held at *Boston*, upon Wednesday the thirtieth of *May*, 1716.

CHAP. VIII.

An Act relating to the great Bridge in *Billerica*.

Preamble. *WHEREAS the Agents for the Towns of* Billerica *and* Chelmsford, *by Direction of the said Towns in their Petition to this Court at their present Session, have shewed forth, that there is a great Bridge erected over* Concord-River, *in the Township of* Billerica, *and that the said Bridge was built by the Towns of* Billerica, Chelmsford *and* Groton; *and according to a former Settlement made by a Committee appointed for the Settlement of the Charge of the Bridges in the County of* Middlesex. *But the Town of* Groton, *upon Application to this Court in* 1699, *did obtain a Discharge from either building or repairing for the future, without further Order from this Court. And further it was alledged in the said Petition, that the said Bridge is fallen into such Decay, that it is no Ways profitable to repair, or safe to improve any longer as it now is, but that the same must of Necessity be new-built; and that it is apprehended the Charge will be so great that the Burthen will be too heavy for* Billerica *and* Chelmsford *to bear, for the Reasons therein given, which more properly ought to come under Consideration of the Justices of the Court of General Session of the Peace in the County of* Middlesex:

Be it therefore declared and enacted by the honourable the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That the Matters contained in the said Petition be referred to the Consideration of the Justices of the Court of General Sessions of the Peace for the said County of *Middlesex*, at their Quarter Sessions; who are hereby fully authorized and impowred to take such Order about the said Bridge from Time to Time, and at all Times hereafter, as shall be judged meet and convenient, and to settle the Charge of the same, upon any, or every the Towns of the said County. And the Paragraph in the Law exempting the Town of *Groton*, from the Charge of the said Bridge, is hereby repealed, and made null and void.

Refer'd to the Justices of the General Sessions of the Peace for the County of *Middlesex*.

Groton.

CHAP. IX.

An Act stating the Fees of the Custom-House Officers within this Province.

Be it enacted by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That the Fees to be hereafter demanded and received in the Collector's Office shall be these following, and none other.

Fees stated.

	l.	*s.*	*d.*
To the Collector for a Register, *six Shillings*.	00	06	0
For endorsing the same *two Shillings*.	00	02	0
A Certificate for Naval Stores, *three Shillings*.	00	03	0
For all Foreign Vessels entring Inwards, and Permit, *six Shillings*.	00	06	0
For the Comptroller, where any such Officer is appointed for the same, *one Shilling*.	00	01	0
To the two Waiters, *six Pence* each.	00	01	0

For all Foreign Vessels clearing Outwards the same as entring Inwards.

To

To the Collector a Certificate of unloading enumerated Goods, *Three Shillings.*	00	03	0
To the Comptroller for the same, *one Shilling.*	00	01	0
Coasting Vessels to the neighbouring Colonies.			
Entring Inwards and permit to unload as far as *Connecticut* and *New-Hampshire*, *two Shillings.*	00	02	0
The same Outward, *two Shillings.*	00	02	0
Entring Inwards from *Annapolis*, *New-York*, and the Colonies thence to *South-Carolina*, and a Permit to the Collector, *Five Shillings.*	00	05	0
To the Comptroller, *one Shilling.*	00	01	0
Clearing Outwards the same, *six Shillings.*	00	06	0
Cocquet for European Goods to the said Provinces.			
To the Collector, *two Shillings.*	00	02	0
To the Comptroller, *one Shilling.*	00	01	0
And every Cocquet for European Goods bought at the Shops or elsewhere, (tho' including several Parcels which may be entred together by the Master,) to the Collector, *three Shillings.*	00	03	0
To the Comptroller, *one Shilling.*	00	01	0
Coasters from Port to Port within this Province carrying Merchandize.			
Entring, *one Shilling.*	00	01	0
Clearing, *one Shilling.*	00	01	0
A Bill of Store, to the Collector, *one Shilling.*	00	01	0
To the Comptroller, *one Shilling.*	00	01	0

And that all the Roads and Harbours from *Cape-Cod* on the South-Side, (within the Bay) to *Boston*, be deemed the Port of *Boston*, until an Naval Office be setled in them.

And be it further enacted by the Authority aforesaid, That if any Person or Persons imployed in the said Office shall demand, or take other or greater Fees than by this Law are allowed, shall be subject to the Penalty of *Ten Pounds*, as is provided by an Act, intituled, *An Act for regulating Fees, made and passed in the fourth Year of the Reign of King* William *and Queen* Mary. Or shall illegally delay or defer entring or clearing any Ship or Vessel, and dispatching any Merchant in their Course; such Officer so offending shall be liable to Cost and double Dammages, being thereof duly convicted in any of his Majesty's Courts of Record within this Province. And every Officer in this Province shall have a List of Fees hanging up in his Office on the said Penalty.

10 *l.* Penalty.

Officers offending liable to Cost.

CHAP. X.

An Act in Addition to the Act for regulating Fees, made and passed in the fourth Year of King *William* and Queen *Mary*; stating the Fees of the Officers of the Court of Admiralty.

4 *W.* and *M.* ca. 17.

Be it enacted by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That the Fees to be hereafter demanded and received in the Court of Admiralty, shall be these following, and none other.

Admiralty Fees stated:

	l.	*s.*	*d.*
For Condemnation of every Prize above one Hundred Tuns, *Fifteen Pounds.*	15	00	0
Condemnation of every Prize under one Hundred Tuns, *Ten Pounds.*	10	00	0
Every Summons for Trial, to the Register, *two Shillings.*	00	02	0
To the Marshal for serving, *four Shillings.*	00	04	0
Filing and allowing every Libel.			
To the Judge, *six Shilling* and *eight Pence.*	00	06	8
To the Register, *six Shillings.*	00	06	0
Every definitive Decree, to the Judge, *one Pound.*	01	00	0
To the Register, recording, *six Shillings* and *eight Pence*	00	06	8
To the Marshal and Cryer, *eight Shillings.*	00	08	0
Filing Papers, examining and taxing Cost, to the Judge, *two Shillings.*	00	02	0
The Register, *two Shillings.*	00	02	0
A Warrant of Apprizements, to the Register, *six Shillings.*	00	06	0
A Warrant to take up Deserters, Run-aways, *&c.* to the Register, *six Shillings.*	00	06	0
For every Copy of Record, *twelve Pence per* Page, twenty-eight Lines to a Page, and eight Words to a Line.			
The Attorney or Advocates Fees, *twelve Shillings.*	00	12	0

Persons taking unlawful Fees liable to Cost & Dammages, *&c.*

And be it further enacted by the Authority aforesaid, That if any Person or Persons imployed in the said Court shall demand or take other or greater Fees than by this Law are allowed; he or they shall be subject to the Penalty in said Act provided, and shall be liable to Cost and double Dammages, being thereof duly convicted in any of his Majesty's Courts of Record within this Province.

CHAP. XI.

5 *W.* and *M.* ca. 6.

4 *A.* ca. 3.

An Act in further Addition to an Act Intituled, *An Act relating to Sureties upon Mean Process in Civil Actions*, made and passed at a Session of the General Court or Assembly the eighth of *November*, 1693. in the fifth Year of the Reign of King *William* and Queen *Mary*.

WHEREAS *in the said Act it is provided*, "That all Writs of *Scire* "*Facias* shall be taken out and served upon the Sureties within twelve "Months after the first Trial, and not afterwards. *And forasmuch as in several Counties within this Province, the Superiour Court of Judicature, Court of Assize and General Goal Delivery, is held and kept but once within twelve Months, whereby the Party or Parties that recover Judgment, at such Superiour Courts can have no Benefit of the said Act:*

Writs of *Scire Facias* served upon Sureties within two Years after Trial.

Be it therefore enacted by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That Writs of *Scire Facias* may be taken out and served upon Sureties for the Space of two Years after the Trial, upon an Appeal in all such Counties where a Superiour Court of Judicature, *&c.* is held but once in a Year: Any Law, Usage or Custom to the contrary notwithstanding.

Acts

Acts and Laws,

Passed by the Great and General Court or Assembly of his Majesty's Province of the *Massachusetts-Bay* in *New-England*, begun and held at *Boston*, upon Wednesday the thirtieth of *May*, 1716. And continued by several Prorogations unto Wednesday the seventh Day of *November* following, and then met.

CHAP. I.

An Act in Addition to the Act, Intituled, *An Act for the better Observation and keeping of the Lord's-Day*, made and passed by the Great and General Court or Assembly at a Sessions held at *Boston*, the 12th Day of *October*, 1692. In the fourth Year of the Reign of their late Majesties King *William* and Queen *Mary*.

4 *W.* and *M.* ca. 7.

WHEREAS in and by the said Act, it is declared, "That no Tradesman, Artificer, Labourer, or other Person whatsoever, shall upon "the Land or Water do or exercise any Labour, Business or Work "of their ordinary Callings, nor use any Game, Sport, Play, or Re- "creation on the Lord's-Day, or any Part thereof (Works of Necessity and "Charity only excepted) upon Pain that every Person so offending, shall forfeit "*five Shillings*: *And further*, That no Traveller or Drover, Horse Courser, "Waggoner, Butcher, Higler, or any their Servants shall travel on that Day "or any Part thereof, except as by the said Law is excepted, upon the Pain "of *twenty Shillings*: *Notwithstanding which many Persons do presume to work and travel on the said Day*:

For the more effectual preventing such immoral and irreligious Practices:

Be it enacted by his Excellency the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That whoever shall for the future contrary to the said Act, do or exercise any Labour, Business, or Work of their ordinary Callings, or use any Game, Sport, Play or Recreation on the Lord's-Day, or any Part thereof, shall forfeit and pay the Sum of *ten Shillings*; and all Persons travelling contrary to the said Act, the Sum of *twenty Shillings* for the first Offence; and upon a second Conviction of either of the aforesaid Offences double the respective Sums afore-mentioned, and be also bound with Sureties for their good Behaviour to the next Sessions of the Peace in such County where said Offenders shall be convict. And that if any Person being able of Body and not otherwise necessarily prevented, shall for the Space of one Month together absent themselves from the public Worship on said Day, the Grand Jurors are hereby directed and required to present such Person to the General Sessions of the Peace, who unless they can make Proof they have not so absented themselves, but have attended divine Worship in some public Assembly, shall forfeit and pay the Sum of *twenty Shillings*. And in Case any of the Offenders mentioned in this Act shall be unable or refuse to satisfy their Fine; they shall be adjudged to be set in the Cage or Stocks, not exceeding three Hours, according to the Discretion of the Justices.

Penalty of 10 *s.* on Labourers, &c. and 20 *s.* on Travellers for the first Offence.

Persons to be presented that shall for one Month Neglect to attend the public Worship. Penalty 20 *s.*

Be it further enacted by the Authority aforesaid, That the Fines and Penalties arising by this Act shall be disposed as by the said Law is already provided: Any Law, Usage or Custom to the contrary notwithstanding.

Fines how disposed of.

CHAP.

CHAP. II.

An Act for setling of Grants.

Preamble.

WHEREAS sundry Grants of Lands have been made by the General Court at divers Times unto particular Persons, of which Grants, the greatest Part has been taken up, but some may be yet standing out:

Be it therefore enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That all Persons claiming a Right to any Tract or Tracts of Land by Grant from the General Court, and not yet laid out, shall within the Space of three Years from the Publication of this Act bring a Copy of their Grant to the General Assembly of this Province, in order to have the same laid out and confirmed to them; and all such as neglect or refuse to bring in their Claims, as aboveſaid, shall forfeit their Right to such Grants.

Persons to bring in their Grants within 3 Years.

Provided, This Act be not understood to bar the Title of any Infant, Feme Covert, or Person *non Compos mentis*, imprisoned, in Captivity, or beyond the Seas; who shall be allowed the Term of three Years after such Imperfection removed, to pursue their Caim and Challenge to any Grants of Lands so made to them or their Predecessors; any Thing in this Act to the contrary notwithstanding.

Proviso.

CHAP. III.

4 *W.* and *M.* ca. 5.

An Act in Addition to the Act, Intituled *An Act for the punishing Criminal Offenders.*

WHEREAS when any Person is apprehended for Theft or Robbery, and admitted to Bail, the Recognizance is only to the King, to answer for the Crime, whereby (in Case the Offender doth not appear but make Default) the Party injured loseth the Benefit of an Act, intituled, An Act for the punishing Criminal Offenders; *which gives the Party injured treble Dammages, upon Conviction:*

For Remedy whereof:

Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That if any Person shall be apprehended for any of the Crimes mentioned in those Paragraphs of the aboveſaid Act which relate to Theft or Robbery, and be admitted to Bail, he shall not only recognize to the King's Majesty for his Appearance at the Court in said Recognizance mentioned, to answer for his Crime; but shall also enter into another Recognizance with sufficient Sureties to the Party injured, for treble of the Money, Goods or Chattles which he shall be charged with Stealing. And if the said Offender shall make Default, and not appear to take his Trial according to his Recognizance; in such Case the said Recognizance shall be declared forfeited by the Court where the said Criminal ought to have been tried, and the Party injured shall recover treble Dammages against the Sureties, for so much as can be made appear to be stolen, as if the Offender had put himself on his Trial, and had been convict; Any Law, Usage, or Custom to the contrary notwithstanding.

Persons apprehended for Theft, &c. admitted to Bail shall not only recognize to the King, but also recognize with Sureties to the Person injured, &c

CHAP

CHAP. IV.

An Act in Addition to *An Act for the orderly consummating of Marriages*, made and pass'd in the seventh Year of the Reign of King *William* the Third.

WHEREAS *in and by the said Act, it is provided*, "That no Person other "than a Justice of the Peace, and that within his own County only; "or ordained Minister, and that only in the Town where he is setled in the "Work of the Ministry; shall or may presume to join any Persons together "in Marriage: Nor shall any Justice or Minister join any Persons in Marriage "other than such, one or both of whom are Inhabitants or Residents in such "County or Town respectively: 7 *W.* ca. 6

Be it enacted by his Excellency the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That the Power granted Ministers to join Persons together in Marriage be hereby enlarged; so as that where there shall be no setled ordained Minister in any Town or Precinct, or where the only setled ordained Minister of any Town or Precinct is himself to be married: It shall and may be lawful in such Cases for the next setled ordained Minister in another Town, within the same County, to join in Marriage the Minister or Inhabitants of such Town or Precinct destitute of such setled ordained Minister, if such Minister or Inhabitants desire it; according to the Rules prescribed by the Laws of this Province, for the consumating Marriages. Ministers Power to marry enlarged.

And be it further enacted by the Authority aforesaid, That every Justice or Minister shall have *four Shillings* for each Marriage, and pay out of it *six Pence* to the Town Clerk, when they return their Certificates to him. Allowance of 4 *Shillings*.

And whereas there is great Failure in returning Certificates of Marriages to the Town Clerk:

Be it enacted, That each Justice or Minister neglecting to make due Return to the Town Clerk, as the Law directs; every of them shall pay a Fine of *ten Shillings* for such Neglect. 10 *s.* Fine.

And be it further enacted, That every Town Clerk shall give in a true List of all Marriages returned to him by the Justices and Ministers respectively, unto the Clerk of the Sessions of the Peace in each County, sometime in the Month of *April* yearly, and every Year; upon the Penalty of forfeiting *twenty Shillings* Fine, for every Neglect. And every Town Clerk shall pay *two Pence* to the Clerk of the Peace, for every Marriage returned by him, as aforesaid; which shall be the Fee for the Clerk of the Peace for his recording the same. And each Fine is to be recovered by Bill, Plaint or Information in any Court of Record. Town Clerk to give in to the Clerk of the Sessions a List of all Marriages.

Provided, That every Justice of Peace, or Minister, authorized to join Persons together in Marriage, every Clerk of the Peace and Town Clerk respectively, may be prosecuted upon this or any former Act relating to Marriages, within two Years after the Offence committed, and not afterwards: Any Law, Usage or Custom to the contrary notwithstanding. Proviso

CHAP. V.

An Act for the more effectual preventing Default in the Appearance of Jurors.

WHEREAS *the Mulcts or Fines set upon Jurors for not appearing and attending the several Courts of Justice within this Province, whereto they are* Preamble.

are respectively chosen and summoned, are by Law limited to the Sum of forty Shillings, *by Reason whereof Persons most able and best qualified to perform that Duty oft-times choose rather to incur and undergo so small a Penalty than to perform that Service, which hath proved a general Inconvenience, tending greatly to the Dammage of many Persons in Cases of the greatest Moment and Concern, as well as very much retarding the Business and Affairs of the several Courts:*

For Remedy whereof:

Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That the Justices of the Superiour Court of Judicature, Court of Assize and General Goal Delivery, and the Justices of the Inferiour Court of Common Pleas, and of the General Sessions of the Peace respectively, shall and hereby are required to set reasonable Fines upon all Jurors duly returned to serve in the said Courts, that make Default, unless necessitated thereto, by Reason of Sickness, or some other extraordinary Let or Hindrance; not less than the Sum of *four Pounds*, nor exceeding the Sum of *six Pounds* each, at the Discretion of the said Justices: And to cause the same to be levied and disposed of as by Law provided.

Superiour & Inferiour Court to set Fines on Jurors that make Default

And be it further enacted, That the Fee or Allowance to be paid to the Petty Jury for each Verdict shall be *thirteen Shillings*: Any Law, Usage or Custom to the contrary notwithstanding.

Petty Jury's Allowance 13 *s.*

Acts and Laws,

Passed by the Great and General Court or Assembly of his Majesty's Province of the *Massachusetts-Bay* in *New-England*, begun and held at *Boston*, upon Wednesday the twenty-ninth of *May*, 1717.

CHAP. VI.

An Act in Addition to and Explanation of two Acts referring to the regulating of Fees, &c.

Preamble.

WHEREAS in the first Act for regulating of Fees, made in the fourth Year of King William *and Queen* Mary, *there is an Article of* two Shillings *and* six Pence *in the Secretary's Fees, for every Order of Council to the Benefit of particular Persons, under Pretence whereof Demand has been made in the said Office for the said Sum even for Orders for the Payment of the public and just Debts of the Government:*

Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That for the future no Fee whatsoever be or shall be due or demanded for any Order of the Governour and Council for the Payment of any public Debt, of, and from the Government.

And be it further enacted by the Authority aforesaid, That the Fee for any Petition to the Governour and Council referring to any Debt of the Province, as aforesaid, be *two Shillings* and *six Pence* and no more.

4 *W.* and *M.* cap. 17.

And whereas in the late Act made in the first Year of his present Majesty's Reign, intituled, An Act in Addition to the Act for regulating of Fees, *under Pretence of the Word* Copying, *all and every Matter and Thing whatsoever, (in the said Act)*

1 *G.* ca. 5.

Act) demand has been made of Money or Fees, even for rough Draughts, and preparatory Copies, for the Uſe of the Publick, when the ſaid Act was deſigned only for ſuch Copies had and taken for private Uſe : 1 G. ca. 5.

Be it therefore further enacted by the Authority aforeſaid, That no Fee whatſoever ſhall be due or demanded in the ſaid Office for any other Copies or copying, than ſuch as are taken from fair Entries, Regiſters or Records, and thoſe only for a private Uſe, and not for the Service of the Government : Any Law, Uſage or Cuſtom to the contrary notwithſtanding.

CHAP. VII.

An Act in addition to an An Intitled, *An Act relating to the Duty and Office of a Coroner*, made in the twelfth Year of King *William* the Third.

WHEREAS in and by the ſaid Act, the Coroners of the ſeveral Counties of this Province, are impowred to ſerve and execute all Writs and Proceſſes directed unto them againſt the Sheriffs of the ſame County : But no Proviſion is therein made to ſerve any Writ or Proceſs wherein a Sheriff of the ſame County is or may be Plantiff, and ſo a Failure of Juſtice may happen, if not Remedied : 12 W. ca. 6.

Be it therefore enacted by his Excellency the Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame, That when and ſo often as the Sheriff or Sheriffs of any of the Counties within this Province, their Under-Sheriffs or Deputies, or any of them, are or may be concerned as Plaintiff, Complainant or Defendant in any Writ, Action or Proceſs : That in ſuch Caſe the Coroner of the ſame County ſhall be, and hereby is impowred to ſerve and execute the ſame : Any Law, Uſage or Cuſtom to the contrary notwithſtanding. Coroners impowred to ſerve Writs in Caſe &c. Additional Act. 12 G. ca. 4.

Acts and Laws,

Paſſed by the Great and General Court or Aſſembly of His Majeſty's Province of the *Maſſachuſetts-Bay* in *New-England*, Begun and Held at *Boſton*, upon Wedneſday the twenty-eighth of *May*, 1718.

CHAP. VIII.

An Act in addition to an Act paſs'd in the firſt Year of Queen Anne, Intitled, *An Act more effectually providing for the Support of Miniſters.* 1 A. ca. 3.

WHEREAS in and by the ſaid Act a Power is provided and given to the Select-Men of any Town from which any Diſtrict or Precinct is ſet off, to aſſeſs the Inhabitants of the ſame, the Sums agreed on for the Support of the Miniſter, in Caſe the Aſſeſſors of ſuch Precinct ſhall neglect or refuſe to do the ſame, but no like Power with Reference to the Charge of building or repairing of the publick Meeting-Houſes for the Worſhip of GOD, veſted either in the Aſſeſſors or the Select-Men :

Assessors impowred to raise and assess Money for building Meeting Houses.

Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That when and so often as the major Part of the Inhabitants of any Precinct or District have, or at a Meeting of the same legally warned, shall agree on the building, finishing or repairing of any publick Meeting-House; or the defraying any other necessary Charge for the Support of the Worship of GOD, and agree on any Sum or Sums of Money for that Purpose, the Assessors of such Precinct or District are hereby impowred to assess and raise the same on their respective Inhabitants; and in Case such Assessors shall neglect or refuse so to do, then and in that Case the Select-Men of the Town from which such Precinct or District is derived, are hereby impowred and required to assess the Inhabitants of such Precinct or District the Sum or Sums of Money so agreed on, to be collected and levied in like Manner as is directed in and by said Act: And all regular or legal Precincts or Districts are hereby also impowred to chuse a Committee or other Officers for the better Management of the Affairs of their respective District or Precinct as aforesaid.

Inhabitants of any Town from which several Districts are set off, their Power.

And be it further enacted by the Authority aforesaid, That in all such Towns where there are or shall hereafter be one or more Districts or Precincts regularly set off; the remaining Part of such Town shall be, and are hereby deemed, declared and constituted an entire, perfect District, Parish or Precinct (and the first or principal of said Town) and the Inhabitants thereof to have full Power to choose a Committee for the Regulation and Management of all Affairs relating to the Support of the publick Worship of GOD, and for the chusing all necessary and proper Officers in and for the said Precinct, Parish or District, and further to have all such Powers and Privileges as by any of the Laws of this Province are given or annexed to any District or Precinct: Any Law, Usage or Custom to the contrary notwithstanding.

7 *G.* ca. 8.

CHAP. IX.

An Act in addition to the several Acts for Settlement & Support of School-Masters, &c.

4 *W.* & *M.* ca. 10.
13 *W.* ca. 20.

WHEREAS notwithstanding the many good and wholesome Laws of this Province for the encouraging of Schools, and the Penalty first of ten Pounds, *and afterwards increased to* twenty Pounds, *on such Towns as are obliged to have a Grammar School-Master, and neglect the same: Yet by sad Experience it is found that many Towns that not only are obliged by Law, but very able to support a Grammar School, yet chuse rather to incur and pay the Fine or Penalty than maintain a Grammar School:*

Penalty.

Be it enacted by his Excellency the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That the Penalty or Forfeiture for Non-observance of the said Law henceforth shall be *thirty Pounds* on every Town that shall have the Number of one Hundred and fifty Families, and *forty Pounds* on every Town that shall have the Number of two Hundred Families, and so *pro rato* in Case the Town consist of two Hundred and fifty, or three Hundred Families: To be recovered, paid and employed in Manner, and to the Use as by the Law is directed: Any Law, Usage or Custom to the contrary notwithstanding.

CHAP.

CHAP. VIII.

An Act in further addition to an Act, Intitled, *An Act for regulating Fences, Cattle*, &c.

5 *W.* & *M.* ca. 11.

BE it enacted by his Excellency the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That in any and every Town of this Province where several Allotments of Upland and Meadow are inclosed and fenced in one general Field, or where there have been so inclosed, fenced and improved, or where all the Proprietors of such Land shall hereafter see cause to inclose, fence and improve the same in such Manner, the Proprietor or Proprietors of each Lot respectively during the Time of his or their Feeding, Planting, Mowing, or otherwise improving his Part in such general Field, shall make and maintain his or their respective Part of the whole Fence, according to the Quantity of Acres of Land contained in his or their Allotment, until the major Part of the Propriety shall see Cause to alter the Form of their Improvement, at a Meeting of such Proprietors legally warned for that Purpose: And for the better enabling such Proprietors to call a Meeting for the Ends aforesaid, it shall be in the Power of any Justice of the Peace for the County where such Lands lie, upon Application to him made by any of the two Proprietors of such general Fields, to issue out a Warrant for such Meeting, according to the Form of an Act made and passed in the twelfth Year of Queen *Anne*, directing how Meetings of Proprietors of Lands lying in Common, may be called; the whole general Fence to be measured, and each Man's Part to be set out and apportioned by two or three discreet indifferent Persons appointed and sworn for this Purpose, by any Justice of the Peace for the said County, excepting the major Part of the Propriety agree and proportion the same among themselves.

Fences how to be maintained.

Justice of Peace upon Application, to call a Meeting of Proprietors.

Each Proprietors Proportion in general Fence to be entred by the Clerk of the Propriety or Town Clerk.

And when the Proportion of each Proprietor in such general Fence is adjusted and determined, the same shall be entered upon Record by the Clerk of the Propriety; and where there is no such Clerk, by the Clerk of the Town where the Land lies: Any Law, Usage or Custom to the contrary notwithstanding.

CHAP. IX.

An Act for the further Regulation of Ferries.

Preamble.

WHEREAS notwithstanding the Provision already made for the speedy Transportation of all Travellers and Passengers over the Ferry at Winnisimmit, *yet thro' the Misconstruction of the said Law, Persons are unreasonably delayed and kept from passing said Ferry, until the Return of the Boat from the opposite Side, so that in effect the Benefit proposed in having three Boats is lost:*

Therefore for Remedy thereof, and that all Passengers may be transported speedily:

Be it enacted by his Excellency the Governour, Council, and Representatives in General Court assembled, and by the Authority of the same, That two of the three Boats appointed for the Service of the said Ferry, shall be always passing on the Water, from Side to Side, and as one of the Boats puts off from either Side, the Boat on the contrary Side shall be obliged to put off; unless the Weather be Stormy, or not safe for the Passengers; nor shall any Persons who want a Passage cross said Ferry when to the Number of five be delay'd, under the Penalty of *twenty Shillings*.

Two Boats to be always passing upon the Water.

And be it further enacted, That at *Charlestown*, *Winnisimit*, *Salem* and *Newbury* Ferries, there be hence-forth provided and kept on each Side of the Water, by the Ferry-Men of the respective Ferries, a Pair of plank'd Trucks of

Ferry-men to keep plank'd Trucks on each side the Water.

of a sufficient Breadth, for the safe and more convenient passing of Coaches, Calashes, Horses and Cattle in and out of the Ferry-Boats, on the Penalty of *ten Shillings* for every three Months Neglect, to be recovered before any of his Majesty's Justices of the Peace in the County, by any Person who shall inform, and sue for the same: Any Law, Usage or Custom to the contrary hereof notwithstanding.

Penalty.

CHAP. X.

An Act in addition to the Act for preventing Abuses to the *Indians*, made in the twelfth Year of King *William*.

12 *W.* ca. 10.

WHEREAS notwithstanding the Care taken and provided by said Act, a great Wrong and Injury happens to said Indians Natives of this Country, by Reason of their being drawn in by small Gifts, or small Debts, when they are in Drink, and out of Capacity to Trade, to sign unreasonable Bills, or Bonds for Debts, which are soon sued, and great Charge brought upon them, when they have no Way to pay the same, but by Servitude:

Be it therefore enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That from and after the Publication of this Act, no Bill, Bond or other Specialty in writing, given by any *Indian*, on any Contract whatsoever, shall be deemed good, or be recoverable against any *Indian* Native of this Province, unless such Bill, Bond or Specialty be entred into before any two of His Majesty's Justices of the Peace, in the County where such *Indian* lives, and both to be present together when the said Bill, Bond or Specialty is executed by the said *Indian*, and approbated by the said Justices, who are therefore to take Care of the Equity and Reasonableness of such Bill, Bond, Bargain or Contract.

No Bill, &c. given by any *Indian* to be good, unless entred into before two Justices, both being present.

And be it further enacted, That henceforth no *Indian* shall contract, or put him or her Self or Child, Apprentice or Servant, for any Time or Term of Years, but by and with the Allowance and Approbation of two of His Majesty's Justices of the Peace (in the County where such *Indian* lives:) And the Indenture to be allowed of and approved by the said Justices at the same Time, and when together: Any Law, Usage or Custom to the contrary notwithstanding.

No Contract for Service of any *Indian* to be good, unless, as above.

An Act,

Passed by the Great and General Court or Assembly of his Majesty's Province of the *Massachusetts-Bay* in *New-England*, begun and held at *Boston*, upon Wednesday the twenty-eighth of *May*, 1718. And continued by several Prorogations unto Wednesday the twenty-ninth Day of *October* following, and then met.

CHAP. I.

An Act for the preventing of Persons under Age, Apprentices or Servants, being transported out of the Province, without the Consent of their Masters, Parents or Guardians.

Preamble.

WHEREAS it has been complained of, that Persons under Age, Apprentices and Servants within this Province, do often-times get on Board the outward Bound Vessels, and are there entertained by the Masters or Mariners, and actually transported to some Parts beyond the Seas, not only to the great Loss and Injury of their respective Masters, &c. but also to the Dammage of the Province:

Be

Be it therefore enacted by his Excellency the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That every Master of any outward bound Ship or Vessel that shall here-after carry or transport out of this Province any Person under Age, or bought or hired Servant, or Apprentice, to any Parts beyond the Seas, without the Consent of such Master, Parent or Guardian, signified in Writing, shall forfeit the Sum of *fifty Pounds*; the one Half to and for the Use of the Province, the other Half to and for the Use of him that shall inform or sue for the same; and be further liable to an Action in the Law, at the Suit of the Parent, Master, or Owner, of such transported Person, for any Dammages sustained by him or them.

Masters of Ships not to carry off any Servants or Sons under Age.

Penalty £50

An Act,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and Held at *Boston*, upon Wednesday the twenty-seventh Day of *May*, 1719.

CHAP. II.

An Act in further addition to an Act for erecting a Powder House in *Boston*.

WHEREAS Gun-Powder in great Quantities is imported and exported at the Port of Boston, *and the Ships or Vessels in which such Powder commonly is, lie at the Wharffs near to the Ware-Houses, and Dwelling-Houses of the Inhabitants of the Town of* Boston *aforesaid, being often grounded, whereby in Case of Fire, the Lives and Estates of His Majesty's good Subjects are in great Danger, as well as able-bodied and well disposed Persons discouraged and affrighted from giving their Assistance, and using any Endeavours for the Extinguishment thereof:*

5 *A.* ca. 3. 2 *G.* ca. 1.

Be it therefore enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That from and after the Publication of this Act no Gun-Powder shall be kept on Board any Ship or other Vessel, lying to or grounded at any Wharff within the Port of *Boston*. And if any Gun-Powder shall be found on Board such Ship or Vessel lying a-ground, as aforesaid, such Powder shall be liable to Confiscation, and under the same Penalty as if it were found lying in any House or Ware-House.

No Gun-Powder to be kept in Vessels lying at a Wharff.

And be it further enacted by the Authority aforesaid, That no Powder be carried thro' any Town upon Trucks, under the Penalty of *ten Shillings* per Barrel, for every Barrel of Powder so conveyed, and so proportionably for smaller Cask.

Gun-Powder not to be carried on Trucks.

And be it further enacted by the Authority aforesaid, That such Quantity of Gun-Powder as by Law is permitted and allowed to be kept in Shops for Retail, shall hereafter be kept in Brass or Tin Tunnels, and no otherwise, under the Penalty of forfeiting all such Gun-Powder; one Moiety thereof to be to the Use of the Poor of the Town where such Powder shall be found, and the other Moiety to them that shall inform and sue for the same: And that the Fire-wards of the Town of *Boston*, for the Time being, be and hereby are directed strictly to observe and put this Law in Execution; Any Law, Usage or Custom to the contrary notwithstanding.

To be kept in Brass or Tin Tunnels.

ACTS

Acts and Laws,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and Held at *Boston*, upon Wednesday the twenty-seventh of *May*, 1719. And continued by several Prorogations unto Wednesday the fourth Day of *November* following, and then met.

CHAP. I.

An Act for the suppressing of Lotteries.

Preamble.

WHEREAS there have been lately set up within this Province certain mischievous and unlawful Games, called Lotteries, whereby the Children and Servants of several Gentlemen, Merchants and Traders, and other unwary People, have been drawn into a vain and foolish Expence of Money; which tends to the utter Ruin and Impoverishment of many Families, and is to the Reproach of this Government, and against the common Good, Trade, Welfare and Peace of the Province:

For Remedy whereof:

Lotteries a publick Nusance.

Be it enacted, adjudged and declared, and it is hereby enacted, adjudged and declared, by his Excellency the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That all such Lotteries, and all other Lotteries are common and publick Nusances.

1. 200 Forfeiture for Setting up Lotteries.

And it is further enacted by the Authority aforesaid, That from and after the Publication of this Act, no Person or Persons whatsoever, shall publickly or privately exercise, keep open, show or expose to be play'd at, drawn at, or thrown at, or shall draw, play, or throw at, any such Lottery, or any other Lottery, either by Dice, Lotts, Cards, Balls, or any other Numbers or Figures, or any other Way whatsoever: And every Person or Persons that shall after the Publication of this Act, as aforesaid, exercise, expose, open or show to be played, thrown or drawn at any such Lottery, Play or Device, or other Lottery, shall forfeit for every such Offence the Sum of *two Hundred Pounds*, to be recovered by Information, Bill, Plaint or Action at Law, in any of His Majesty's Courts of Record within this Province, wherein no Essoign, Protection, or Wager of Law shall be allowed: one Half thereof to be the King's Majesty, to be applied towards the Support of this Government, and the other Half to him or them that shall inform and sue for the same.

2. 10 Forfeiture for drawing at Lotteries.

And be it further enacted, That every Person or Persons that after the Publication of this Act, as aforesaid, shall play, throw, or draw at any such Lottery, Play or Device, or other Lotteries, shall forfeit for every such Offence, the Sum of *ten Pounds*, to be recovered by Information, Bill, Plaint or Action at Law, in any of His Majesty's Courts of Record within this Province, wherein no Essoign, Protection or Wager of Law shall be allowed; one half Part thereof to be to the King's Majesty, to be applied towards the Support of this Government, and the other Half to him or them that shall inform and sue for the same.

Officers to prevent Lotteries.

And be it further enacted by the Authority aforesaid, That for the more effectual suppressing and preventing such unlawful Lotteries, the Justices of the Peace, Sheriffs, Under-Sheriffs, Sheriffs Deputies and Constables, within their respective Jurisdictions, be impowred and required to use their utmost Endeavours to prevent the drawing of any such unlawful Lottery heretofore, or hereafter to be set up, by all lawful Means whatsoever.

CHAP.

CHAP. II.

An Act in further addition to and Supplement of an Act Intitled, *An Act for making Lands and Tenements liable to the Payment of Debts*, made and passed in the eighth Year of King *William*.

8 *W.* ca. 4. 8&9.*G.*2 ca.2

BE it enacted by his Excellency the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That when any Person or Persons shall recover Judgment in any of His Majesty's Courts within this Province, for any Sum or Sums of Money, or any other Specie, or for Costs of Suit, and the Person or Persons against whom Judgment shall be recovered, is either unwilling or unable to satisfy such Judgment by Money or other Specie, and the Creditor or Creditors finding no other personal Estate to his or their Acceptance to extend Execution upon for Satisfaction thereof, and doth therefore think fit to levy upon the real Estate of such Debtor or Debtors for the End aforesaid, rather than on the Person of the Debtor; that then and in every such Case, the Sheriff, Under-Sheriff or Deputy, shall cause three indifferent discreet Men, being Freeholders in the County, one to be chosen by the Creditor or Creditors, one by the Debtor or Debtors, if he or they see Cause, and the third by the Sheriff, or other Officer that shall serve the same, to be sworn before one or more of His Majesty's Justices in said County, faithfully and impartially to apprize such real Estate, as shall be shewn to them, who shall apprize the same to satisfy the Execution, with all Fees, and set out such Estate by Meets and Bounds, and the Sheriff or other Officer shall deliver Possession and Seizen thereof to the Creditor or Creditors, his or their Attorney; which being returned and recorded in the Clerk's Office of the Court out of which the same issued, shall make a good Title to such Creditor or Creditors, his or their Heirs and Assigns in Fee: *Saving* Equity by Redemption as by Law is prescribed. And when it so happens that the real Estate extended upon cannot be divided and set out by Meets and Bounds, as before prescribed, that then Execution shall be extended upon the Rents of such real Estate and Seizen given thereof to the Creditor or Creditors, his or their Attorney, and cause the Person or Persons in the Possession and Improvement to attorn and become Tenant or Tenants to such Creditor or Creditors, and to pay their Rents to him or them accordingly; and upon refusal thereof to turn the Person or Persons out of the Possession thereof, and give Livery, Seizen and Possession of the same to the Creditor or Creditors to hold and enjoy all such real Estate to him or them, their Heirs or Assigns, till the Judgment, Interest and Fees be fully satisfied and paid, reserving thereout the Widows Thirds or Dower, if any there be.

Real Estates of Debtors liable to Executions.

Saving Equity of Redemption.

Execution to be extended on Rents.

Provided always, That it shall and may be lawful for any Debtor or Debtors, his or their Heirs, Executors or Administrators at any Time or Times before the Judgment with the Interest and Charges be fully satisfied, to tender and pay to the Creditor or Creditors, his or their Heirs or Assigns, the full remainder of the Debt, Interest and Charges, who is obliged to accept thereof, and surrender up all such real Estate to the Debtor or Debtors, his Heirs, Executors or Administrators, and deliver up peaceable and quiet Possession thereof.

Proviso.

And be it further enacted by the Authority aforesaid, That an Act made and passed in the second Year of his present Majesty, Intitled, *An Act in further Addition to an Act Intitled, An Act for making Lands and Tenements liable to the Payment of Debts*, made and pass'd in the eighth Year of the Reign of King

Act, 2 *G.* Repealed.

King *William*: And all and singular the Clauses, Paragraphs, Articles, Directions, Matters and Things in the said Act contained, be, and hereby are repealed, made null and void.

Proviso. *Provided always*, That all real Estates taken in Execution and levied upon, and all other Acts and Things done pursuant to and by Virtue of the aforesaid Law, notwithstanding the Repealing hereof, shall be held good and effectual to all Intents and Purposes: And whoever is in the Possession of any real Estate by Means thereof, it shall be a good Estate in Fee to him or them, their Heirs and Assigns: Any Law, Usage or Custom to the contrary thereof notwithstanding.

Proviso. *Provided also*, That nothing in this Act contained, shall extend to the Lands owned by the *Indian* Natives of this Province.

CHAP. III.

An Act for the Regulation of the Decrees and other Proceedings of the several Judges of Probate in the respective Counties of this Province, and of Appeals there-from.

Letters of Administration, &c. of Intestate Estates to be taken out.

Be it enacted by his Excellency the Governour, Council, and Representatives in General Court assembled, and by the Authority of the same, That after the Decease of any Person Intestate, Letters of Administration be taken out within thirty Days or sooner, and an Inventory taken of all the Estate of the Deceased within three Months, or sooner, by three suitable Persons appointed, and put upon Oath, for their due Performance of that Service by the Judge, or one Justice in the said County, in Case the Estate be not in the Town where the Judge himself dwells, or within ten Miles thereof; a Certificate of such Appointment and Oath taken by the Justice, to be returned to the Probate Office, with the said Inventory.

Administrators & Executors to give publick Notice of the Sale of Lands, &c.

And be it further enacted by the Authority aforesaid, That when the Executor or Administrator of any Estate shall obtain Licence from the Superiour Court to make Sale of all or any Part of the Housing and Lands of the Deceased, for the Payment of Debts, before Sale be made of any such Housing and Lands, the Executor or Administrator, shall give thirty Days publick Notice, by posting up Notifications of such Sale in the Town where the deceased Person last dwelt, and in the two next adjoining Towns, as also in the Shire Town of the said County; and whosoever will give most shall have the Preference in such Sale: And in Case it be an insolvent Estate, the whole Produce of such Sale to be divided in due Proportion to and among the Creditors.

And whereas some Doubt hath arisen touching such Estate Real and Personal as is not plainly devised, given or bequeathed in any last Will and Testament:

Estate not bequeathed to be distributed as Intestate Estates.

Be it Resolved and Enacted, That from and after the End of this present Session of the General Assembly, all such Estate whether Real or Personal that is not plainly given away or disposed of in and by the last Will and Testament of any Person thereafter to be proved, the same accordingly shall be distributed in the same Manner as if it were an intestate Estate, and Executor or Executors shall administer on the same as such.

Division of real Estate of Intestates.

And be it further enacted by the Authority aforesaid, That when the real Estate of an Inteſtate will conveniently accommodate more of the Children than the eldest Son, and being so represented, and made to appear to the Judge of Probate, he shall have Power to settle it on so many of the Children (Preference being always had to the Sons) as it will conveniently accommodate (without Prejudice to or spoiling of the whole) in the Manner as it was to have been settled upon the eldest Son before the making of this Act.

And

And whereas Provision is already made for an Appeal to the Governour and Council from the Orders, Decrees, Sentences or Denials of the several Judges for the Probate of Wills and granting Letters of Administration, within the respective Counties of this Province, but no Time limitted for the bringing such Appeals, which has been found inconvenient:

Be it therefore enacted by the Authority aforesaid, That no Appeal from any Sentence, Order, Degree or Denial of any of the Judges for the Probate of Wills, and granting Letters of Administration, allowing Accounts, and Distribution of Estates within this Province, shall be admitted, unless it be claimed within six Months after the making such Order, Sentence, Decree or Denial, and except Security be given by the Appellant within ten Days to prosecute the Appeal with Effect, and except Reasons of Appeal be filed in the Register's Office of the Court of Probate within ten Days after Security given, and fourteen Days at least before the Hearing before the Governour and Council. And in Case the Party or Parties so appealing fail in the Prosecution of their said Appeal to Effect, in three Months Time from the claiming the same, then the adverse Party to have the Benefit of the Sentence, Order or Decree so appealed from, by filing a Complaint to the Governour and Council, in like Manner as is provided by Law for not prosecuting an Appeal from the Judgment of an Inferiour Court. Limitation of Appeals from Judges of Probate.

Provided always, That any Person beyond the Sea, or out of *New-England*, who has no sufficient Attorney within this Province, at the Time of such Order, Sentence, Decree or Denial, shall have six Months after his or her Return, or Constitution of such Attorney; unless such Person was of Age at his Departure out of this Province, to claim and prosecute their Appeal, as aforesaid. Proviso.

And be it further enacted, That before any Decree, Order or Division be made concerning Intestate Estates, where any Infants or Persons under Age, or *Non Compos* are interested, Guardians shall be appointed for all such Persons according to Law, who shall be fully impowred to appeal from any such Order, Decree, or Sentence, if they see Cause, to be prosecuted, in Manner as aforesaid. Guardians for Persons under Age and *Non Compos*.

And be it further enacted, That the Judges of the Probate of Wills, and for granting Letters of Administration of Intestate Estates in the respective Counties of the Province, shall have and hold certain fixed Days for the making and publishing their Orders and Decrees; and such Days to be determined and known by publick Notifications or Advertisements in the several Counties: Any Law, Usage or Custom to the contrary notwithstanding. Judges of Probates to hold certain fixed Days.

CHAP. IV.

An Act in addition to an Act Intitled, *An Act requiring the taking the Oaths appointed to be taken instead of the Oaths of Allegiance and Supremacy*, made in the fourth Year of the Reign of the late King *William* and Queen *Mary*, of blessed Memory.

4 *W.* & *M.* ca. 15.

WHEREAS by an Act of Parliament made and passed in the first Year of His present Majesty's Reign, Intitled, An Act for the further Security of His Majesty's Person and Government, and the Succession of the Crown in the Heirs of the late Princess *Sophia*, being Protestants, and for extinguishing the Hopes of the pretended Prince of *Wales*, and his open and secret Abettors, *All Officers and Persons therein mentioned or described are injoined and obliged to take the Oaths appointed to be taken instead of the Oaths of Allegiance and Supremacy, in these Words*, viz. Preamble.

"I *A. B.* do sincerely Promise and Swear, That I will be faithful and bear true "Allegiance to His Majesty King *GEORGE*. *So help me GOD.*

"I *A. B.* do Swear, That I do from my Heart, abhor, detest and abjure as "impious and heretical, that damnable Doctrine and Position, That Princes "excommunicated or deprived by the Pope, or any Authority of the See of "*Rome*, may be deposed or murthered by their Subjects, or any other whatsoever. "And I do Declare, That no foreign Prince, Person, Prelate, State or Potentate hath or ought to have any Jurisdiction, Power, Superiority, Prehemi-"nence or Authority, Ecclesiastical or Spiritual within this Realm.

So help me GOD.

And also to take and subscribe the following Oath, *viz.*

"I *A. B.* do truly and sincerely acknowlege, profess, testify and declare in my "Conscience before GOD and the World, That Our Sovereign Lord King "*GEORGE* is lawful and rightful King of this Realm, and all other his "Majesty's Dominions and Countries thereunto belonging. And I do so-"lemnly and sincerely Declare, That I do believe in my Conscience that the "Person pretended to be Prince of *Wales*, during the Life of the late King "*James*, and since his Decease, pretending to be, and taking upon himself the "Stile and Title of King of *England*, by the Name of *James* the third, or of "*Scotland*, by the Name of *James* the eighth, or the Stile and Title of King of "*Great Britain*, hath not any Right or Title whatsoever to the Crown of this "Realm, or any other the Dominions thereto belonging. And I do renounce, "refuse and abjure any Allegiance or Obedience to him. And I do swear, "That I will bear Faith and true Allegiance to His Majesty King *GEORGE*, "and Him will defend to the utmost of my Power against all traiterous "Conspiracies and Attempts whatsoever, which shall be made against his Per-"son, Crown or Dignity. And I will do my utmost Endeavour to disclose and "make known to His Majesty and His Successors, all Treasons and traiterous "Conspiracies which I shall know to be against Him, or any of them. And I "do faithfully Promise to the utmost of my Power to support, maintain and "defend the Succession of the Crown against him the said *James*, and all other "Persons whatsoever; which Succession by an Act, Intitled, *An Act for the "further Limitation of the Crown and better securing the Rights and Liberties "of the Subject, is and stands limitted to the Princess* Sophia, *Electoress "and Dutchess Dowager of* Hanover, *and the Heirs of her Body, being "Protestants.* And all these Things I do plainly and sincerely acknowledge "and swear according to these expres's Words by me spoken, and ac-"cording to the plain and common Sense and Understanding of the same "Words, without any Equivocation, mental Evasion, or secret Reservation "whatsoever. And I do make this Recognition, Acknowlegment, Abjuration, "Renunciation and Promise, heartily, willingly and truly upon the true Faith "of a Christian, *So help me GOD.*

Preamble. *Now to the Intent that all Persons whomsoever sustaining or holding any Office within His Majesty's Government of this Province, by Vertue of any Commission from His Excellency the Governour, or by Authority derived from him, take and subscribe the aforesaid Oaths; and also to discourage and prevent all Persons disaffected to His Majesty's rightful and happy Government, and the Protestant Succession as by Law established from coming into, or residing within this Province:*

Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That as well the Members of His Majesty's Council, the Repre-

Officers obliged to take the Oaths to His Majesty, sentatives in the General Assembly, as all and every Person and Persons that have, bear, or sustain any Office or Offices within this Province, by Virtue of any Commission from His Excellency the Governour, or by Authority derived from him, shall before they enter upon, and act in their respective Offices,

before

before His Excellency the Governour, Lieutenant Governour, two or more of the Council, or such others as shall be thereto appointed by the Governour, take and subscribe the several Oaths herein before-mentioned: And in Case such Officer or Officers neglect or refuse to take the said Oaths, or subscribe thereto, they shall be *ipso facto* adjudged uncapable and disabled in Law to have, occupy or enjoy the said Office or Offices, Employment or Employments, or any Part of them, or any Profit or Advantage thereby; and every such Office, Place or Employment shall be adjudged utterly void.

And be it further enacted by the Authority aforesaid, That all and every other Person or Persons whatsoever now inhabiting or residing within this Province, or which shall at any Time hereafter reside or dwell within the same, shall when thereunto required by two of His Majesty's Justices of the Peace *Quorum Unus*, take and subscribe the Oaths aforesaid. Others obliged thereto when required.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for any two Justices of the Peace (*Quorum Unus*) in their respective Counties, to give and administer the Oaths aforesaid from Time to Time to any Person or Persons, and upon due Tender of any such Person or Persons to take the said Oaths, the said two Justices are hereby required and enjoyned to administer the same, and a List of the Names of all Persons so Sworn, to be returned into the Secretary's Office. Justices impowred to administer the Oaths.

And be it further enacted, That it shall and may be lawful to and for two or more Justices of the Peace (*Quorum Unus*) to Tender the Oaths herein before appointed to be taken to any Person or Persons whomsoever, whom they shall or may suspect to be Disaffected to His Majesty, or His Government. And if any Person or Persons to whom the said Oaths shall be so tendered, shall neglect or refuse to take the same, the said Justices shall commit the said Person or Persons so refusing to the common Goal, there to remain without Bail or Mainprize, for the space of three Months; unless such Offender shall pay down to the said Justices so tendering the said Oaths, such Sum of Money, not exceeding *forty Shillings*, as the said Justices shall require such Offender to pay for his said Refusal; which Money shall be to His Majesty for the Support of the Government of this Province: And unless such Refuser become bound with two sufficient Sureties for the good Behaviour, and also to appear at the next General Quarter Sessions of the Peace to be held for the same County where he doth inhabit or reside. At which Court the said Oaths shall be again tendered to him by the Justices of the said Court in open Sessions, and if he then refuses to take the said Oaths, the said Justices shall commit the said Person or Persons so refusing to the common Goal, there to remain for the space of six Months; unless every such Offender shall pay down to the said Justices such Sum of Money, not exceeding *ten Pounds*, nor under *five Pounds*, as the said Justices shall require, to be paid for his second refusal; the said Money to be disposed in Manner, as aforesaid; and unless every such Offender shall likewise become bound with two sufficient Sureties, with Condition to be of the good Behaviour, until he take the said Oaths: And all such Persons so refusing are hereby rendered uncapable of giving any Vote for Representatives or Jurors, or in the Choice of any Town Officers. 40*s.* or Imprisonment for the first Refusal. 10 *l.* or Imprisonment &c. for Refusal before the Sessions.

And whereas the People call'd Quakers scruple the taking any Oath:

Be it enacted by the Authority aforesaid, That every such Person over and above the Declaration of Fidelity already enjoyned them by the Law of this Province, shall for the future, if thereunto required, make and subscribe the Effect of the Abjuration Oath, in the following Words, *Viz.*

Quakers Declaration instead of the Abjuration Oath.

" I A. B. do truly and sincerely acknowledge, profess, testify and declare " in the Presence of Almighty GOD, the Witness of the Truth of what " I say, that King *GEORGE* is lawful and rightful King of the Realm of " *Great Britain*, and of all other His Dominions and Countries there-unto be- " longing: And I do solemnly and sincerely declare, That I do believe the " Person pretended to be the Prince of *Wales*, during the Life of the late King " *James*, and since his Decease, pretending to be and taking upon himself the " Stile and Title of King of *England*, by the Name of *James* the third, or of " *Scotland* by the Name of *James* the eighth, or the Stile and Title of King " of *Great Britain*, hath not any Right or Title whatsoever to the Crown of " the Realm of *Great Britain* nor any other the Dominions there-unto belong- " ing. And I do renounce and refuse any Allegiance and Obedience to him. " And I do solemnly promise, That I will be true and faithful and bear true " Allegiance to King *GEORGE*, and to him will be faithful against all " traiterous Conspiracies and Attempts whatsoever, which shall be made " against his Person, Crown or Dignity. And I will do my best Endeavour " to disclose and make known to King *GEORGE* and his Successors all " Treasons and traiterous Conspiracies which I shall know to be made against " him or any of them. And I will be true and faithful to the Succession of " the Crown against him the said *James*, and all other Persons whatsoever, as " the same is and stands settled by an Act Intitled, *An Act declaring the Rights* " *and Liberties of the Subject, and settling the Succession of the Crown to the late* " *Queen* ANNE, *and the Heirs of her Body being Protestants*. And as the same " by one other Act Intitled, *An Act for the further Limitation of the Crown and* " *better securing the Rights and Liberties of the Subject, is and stands settled and* " *Intailed after the Decease of the said late Queen, and for Default of Issue of the* " *said late Queen, to the late Princess* Sophia, *Electoress and Dutches Dowager of* " Hanover, *and the Heirs of her Body being Protestants*. And all these Things " I do plainly and sincerely acknowlege, promise and declare according to these " express Words by me spoken, and according to the plain and common Sense " and Understanding of the same Words, without any Equivocation, mental " Evasion, or secret Reservation whatsoever. And I do make this Recognition, " Acknowlegement, Renunciation and Promise heartily, willingly and truly.

CHAP. V.

An Act requiring the several Towns within this Province to be provided with Stocks.

Preamble.

WHEREAS the Breach of sundry penal Laws of this Province is punishable by putting in the Stocks, where the Offenders are unable to pay the respective Fines by Law set, and many of the Towns in the Province are not provided with Stocks, for Want of which oft-times Persons go unpunished:

For Prevention whereof:

All Towns to be provided with Stocks.

Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That from hence-forth every Town within this Province, be supplied with Stocks. And that if any Town shall neglect the Observation of this Act, every such defective Town shall forfeit and pay the Sum of *five Pounds* for every Conviction of such Neglect, upon Complaint made unto His Majesty's Justices at their General Sessions of the Peace; the one Half of said Fines or Forfeitures to be to his Majesty, to be applied to and for the Support of this Government, and the other Half to him or them that shall inform and prosecute the same.

l. 5 Penalty.

CHAP.

CHAP. VI.

An Act for enlarging the Fees of Grand Jurors, and for fixing an Allowance to the Superiour Court of Judicature for hearing Petitions, and granting Power for the Sale of Land.

Preamble.

WHEREAS the ſtated Allowance by Law for Grand-Jurors of two Shillings *per Diem, during their Attendance at Court is thought too little conſidering the great Price of Proviſions, and other Neceſſaries:*

3 s per Diem for Grand Jurors.

Be it enacted by his Excellency the Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame, That the Allowance of a Grand-Juror during his Attendance on the Court, and alſo for his neceſſary travel to and from the ſame for the future, be *three Shillings* per Diem.

And whereas a great Part of the Buſineſs of the Superiour Court is often taken up in hearing and granting Petitions for the Sale of Land, and no Fee yet ſtated by Law for the ſame:

Judges Allowance for Petitions.

Be it therefore further enacted by the Authority aforeſaid, That the Fee or Allowance to the Judges of the ſaid Court on ſuch Petitions be *two Shillings* a-piece to each Judge, preſent at the Hearing of ſuch Petition, and no more.

An Act,

Paſſed by the Great and General Court or Aſſembly of His Majeſty's Province of the *Maſſachuſetts-Bay* in *New-England*, Begun and Held at *Boſton*, upon Wedneſday the thirteenth Day of *July*, 1720.

CHAP. VII.

An Act to regulate the Price and Aſſize of Bread.

Preamble.

WHEREAS the Act made and paſſed in the eighth Year of King William *the Third, Intitled,* An Act for the due Aſſize of Bread, *is found not effectual for the good Ends and Purpoſes therein deſigned, and little or no Obſervance has been made thereof; but covetous and evil diſpoſed Perſons have for their own Gain, deceived and oppreſſed his Majeſty's Subjects, more eſpecially the poorer Sort:*

For Remedy whereof:

Act for the due Aſſize of Bread.

Be it enacted by his Excellency the Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame, That the ſaid Act Intitled, *An Act for the due Aſſize of Bread*, ſhall be and is hereby repealed, annulled and made void: and that after the tenth Day of *September* next, the Select-Men of each Town within this Province, where Bread is baked for Sale, ſhall once every Month, and oftner if they ſee Cauſe, ſet, aſcertain and appoint within their ſeveral Towns, the Aſſize and Weight of all Sorts of Bread to be ſold, or expoſed to Sale by any Baker, or other Perſon whatſoever; having Reſpect to the Price the Grain, Meal or Flower whereof ſuch Bread ſhall be made, ſhall bear in or about the Town or Place where ſuch Aſſize ſhall be ſet, and making reaſonable Allowance to the Bakers for

Assize of Bread to be ascertained.

for their Charges, Pains and Livelihood; and shall make known their said Regulation of the Assize of Bread in some open and publick Place or Places in their respective Towns.

And that the said Assize may be the more easily ascertained

Be it enacted by the Authority aforesaid, That from and after the said tenth Day of *September*, no Person or Persons whatsoever shall make for Sale, or sell, or expose to Sale any Sort or Sorts of Bread, but such as are herein after-mentioned: *That is to say*, White, Wheaten and Houshold, and such other Sort or Sorts as shall be publickly licenced and allowed by the said Select-Men, in the several and respective Towns; all which several Sorts of Bread shall be made in their several and respective Degrees, according to the Goodness of the Grain whereof the same are or ought to be made; and the Assize and Weight of the said White, Wheaten and Houshold Bread shall be set and ascertained, according to the Table hereafter-mentioned, *Viz.*

Sorts of Bread to be allowed.

A Table of the Assize of Bread in Pounds, Ounces and Drams. In the first and last Columns is the Price of the Bushel of Wheat, from 4 *s.* to 15 *s.* The Allowance to the Baker for Baking to be made by the Select-men being included: So that for Example, If the Price of Wheat be 5 *s.* the Bushel, and the Select-men allow 1 *s.* 6 *d.* per Bushel, for Baking, the Price in the Table will be 6 *s.* 6 *d.* and even with or against those Numbers in the first and last Columns, will be found the Weight of the several Loaves *Averdupois*.

☞ Note, *That the White Loaves are one Half, and the Wheaten three Quarters of the Weight of Houshold Loaves.*

The Price of the Bushel of Wheat, and Baking.	Weight of the Penny Loaf.					Weight of the two Penny Loaf.					Weight of the six Penny Loaf.					Weight of the twelve Penny Loaf.					The Price of the Bushel of Wheat, and Baking.
	White		Wheaten		Houshold	White		Wheaten		Houshold	Wheaten			Houshold		Wheaten			Houshold		
s. d.	Ounces	Drams	Ounces	Drams	Ounces Drams	Ounces	Drams	Ounces	Drams	Ounces Drams	Pounds	Ounces	Drams	Pounds	Ounces Drams	Pounds	Ounces	Drams	Pounds	Ounces Drams	*s. d.*
4 0	11	9	17	6	23 3	23	3	34	12	46 5	6	8	4	8	11	13		9	17	6 1	4 0
4 6	10	5	15	7	20 10	20	10	30	14	41 3	5	12	11	7	11	9	11	9	15	7 3	4 6
5 0	9	4	13	14	18 9	18	9	27	13	37 1	5	3	7	6	15	4	10	6	13	13 14	7 5 0
5 6	8	7	12	10	16 14	16	14	25	4	33 11	4	11	13	6	5	2	9	7	11	12 10	4 5 6
6 0	7	10	11	9	15 7	15	7	23	3	30 14	4	5	8	5	12	11	8	11	11	9 6	6 0
6 6	7	2	10	11	14 4	14	4	21	6	28 8	4		3	5	5	9	8		5	10 11	2 6 6
7 0	6	10	9	15	13 4	13	4	19	14	26 8	3	11	9	4	15	7	7	7	3	9 14	14 7 0
7 6	6	3	9	4	12 6	12	6	18	9	24 11	3	7	10	4	10	2	6	15	4	9 4	5 7 6
8 0	5	13	8	11	11 9	11	9	17	6	23 3	3	3	4	2	4	5	8	6	8	4 8	11 1 8 0
8 6	5	7	8	3	10 14	10	14	16	6	21 13	3	1	1	4	1	7	6	5	2	8 2	4 8 6
9 0	5	2	7	12	10 5	10	5	15	5	7 20 10	2	14	5	3	13	13	5	12	11	7 11	5 9 0
9 6	4	14	7	5	9 12	9	12	14	10	19 8	2	11	14	3	10	9	5	7	13	7 5	1 9 6
10 0	4	10	6	15	9 4	9	4	13	14	18 9	2	9	11	3	7	10	5	3	7	6 15	4 10 0
10 6	4	7	6	10	8 13	8	13	13	4	17 10	2	7	12	3	4	15	4	15	7	6 9	15 10 6
11 0	4	3	6	5	8 7	8	7	12	10	16 14	2	5	15	3	2	9	4	11	13	6 5	2 11 0
11 6	4		6	1	8 1	8	1	12	1	16 2	2	4	4	3		6	4	8	9	6	11 11 6
12 0	3	14	5	13	7 12	7	12	11	9	15 7	2	2	12	2	14	5	4	5	8	5 11	12 12 0
12 6	3	11	5	9	7 7	7	7	11	2	14 13	2	1	6	2	12	8	4	2	12	5 9	12 6
13 0	3	9	5	6	7 2	7	2	10	11	14 4	2		1	2	10	12	4		3	5 5	0 13 0
13 6	3	7	5	2	6 14	6	14	10	5	13 12	1	14	14	2	9	3	3	13	13	5 2	0 13 6
14 0	3	5	4	15	6 10	6	10	9	15	13 4	1	13	13	2	7	12	3	11	9	4 15	14 0
14 6	3	3	4	13	6 6	6	6	9	9	12 13	1	12	12	2	6	6	3	9	8	4 12	11 14 6
15 0	3	1	4	10	6 3	6	3	9	4	12 6	1	11	13	2	5	1	3	7	10	4 10	15 0

And to the Intent that the good Design of this Act may be effectually complied with:

Be it further enacted, That every common Baker, and any Person that shall bake or make for Sale, or expose to Sale any Sort of Loaf Bread or Bisket, that shall be sold by Tale, shall from and after the said tenth Day of *September* fairly mark, or imprint, or cause to be mark'd or imprinted such distinct Mark, as shall be appointed or allowed by the Select-Men, so that their Bread may be known and distinguished. Bread to be marked.

And be it further enacted by the Authority aforesaid, That if any Baker or Bakers, or other Person or Persons baking or making Bread for Sale, or exposing Bread to Sale, shall not observe the Assize to be ascertained by Virtue of this Act, or shall bake or make for Sale, or sell or expose to Sale any Bread wanting the due Weight, or that shall not be marked according to the Direction of this Act, or shall break such Regulations and Orders, as shall from Time to Time be made by Virtue of this Act; he or they so doing, and being thereof convicted by Confession of the Party, or by the Oath of two or more credible Witnesses, before one or more of his Majesty's Justices of the Peace for the County where the said Offence is committed, or the Party offending apprehended, shall for every such Offence forfeit the Sum of *twenty Shillings*, to be levyed by Way of Distress upon the Goods and Chattels of every such Offender, by Warrant from the said Justice or Justices; the said Forfeitures to be the one Half towards the Support of the Poor of the Town where such Offence shall be committed, and the other Half to the Informer. And if any Baker or Seller of Bread shall put into any Bread by him sold or exposed to Sale, any Mixture of any other Grain than what shall be appointed by the Assize settled in the Place where such Bread shall be so Sold or exposed to Sale; every Person so offending shall for every such Offence forfeit the Sum of *twenty Shillings*, to be recovered in the Manner and Form herein before mentioned, and to be for the Uses aforementioned. Penalty for Breach of this Act.

Provided always, That no Person shall be convicted in Manner aforesaid for any of the afore-mentioned Offences, unless the Prosecution in order to such Conviction be commenced within five Days next after the Offence committed. Proviso.

Provided also, and be it further enacted, That if any Person so convicted shall think him or her self aggrieved, he or they shall and may make his or her Appeal to the next Quarter Sessions of the Peace for the County where such Conviction shall be made; at which Sessions the same shall be heard and finally determined. And if the said Person so appealing shall not make good such his or her Appeal, or prosecute it with Effect, the said Court of Sessions shall award such Costs as they shall think reasonable to the Prosecutor or Informer, and commit the Offender to the common Goal, until he or she shall make Payment of the said Costs, and also of the Penalty adjudged on the Conviction: But in Case the Appellant shall make good his or her Appeal, and be discharged of his or her said Conviction, the like reasonable Costs shall be awarded for the Appellant against such Informer or Prosecutor. And if any Justice of the Peace shall on any Information made to him of any Offences committed against this Act wilfully and wittingly omit the Performance of his Duty thereupon in the Execution of this Act, he shall forfeit the Sum of *forty Shillings*, to be recovered by Action, Bill, Plaint or Information in any of His Majesty's Courts of Record in the County where he doth reside, wherein no Essoign, Protection or Wager of Law shall be allowed. Proviso for Appeal. Penalty for Justices neglect of Duty.

And that the good Design of this Act may be the more effectually accomplished:

Be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for any of His Majesty's Justices of the Peace, or any one of them within their respective Counties, and any of the Select-Men, or any one of them in their respective Towns, or any two of the Clerks of the Market, at all Times hereafter in the Day Time, to enter into any House, Stall, Officers to try and weigh Bread.

Bake-

Bake-House, Out-House or Ware-House, belonging to any Baker or Seller of Bread, there to search for, view, weigh or try all or any the Bread of such Person, or which shall there be found: And if any Bread shall there be found wanting, either in the goodness of the Stuff whereof the same shall be made, or in the due working or baking thereof, or shall be Deficient in the due Weight, or shall not be truly marked according to the Directions of this Act, or shall be of any other Sort than shall be allowed by Virtue of this Act, that then and in every such Case, it shall and may be lawful to and for such Justice or Justices of the Peace, or Select-Men, or Select-Man, or any two Clerks of the Market, to seize and take the said Bread so found, and cause the same to be forthwith given and distributed to the Poor of the Town where such Seizure shall be made: And if any Baker or Seller of Bread, or other Person or Persons shall not permit or suffer such Search or Seizure to be made by Vertue of this Act, or shall oppose, hinder or resist the same, he or they so doing, shall for every such Offence, forfeit the Sum of *three Pounds*, to be disposed of as the other Fines, and to be had and recovered in the summary Manner and Form herein before first mentioned.

Forfeiture of Bread to the Poor.

Provided always, That a proper Allowance be made for the drying of Bisket, yet never to exceed two Ounces for drying at the lowest Price of Wheat, and so proportionably.

Acts and Laws,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and Held at *Boston*, upon Wednesday the thirteenth Day of *July*, 1720. And continued by several Prorogations unto Wednesday the second Day of *November* following, and then met.

CHAP. I.

An Act to enable the several Towns, Precincts, Districts and Parishes, legally set off, to choose Collectors, for the gathering any Town, County, Precinct, District or Parish Rates or Assessments.

WHEREAS the Laws of this Province have made sufficient Provision for the gathering in, and collecting the publick Rates or Taxes by Collectors, if any are chosen, and accept thereof, and on their Refusal, by the Constables of each Town, Precinct or District, and the Form of an Oath to be administred to such Constables or Collectors established, but no Provision is made for the obliging any Person chosen Collector for any Town, County, Precinct, District or Parish Rates or Assessments, to serve in said Office; nor Form of the Oath such Persons ought to be under, for the due Observance of their Office:

Wherefore:

Collectors of Rates to be chosen.

Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That it shall be in the Power of every Town, Precinct, District or Parish within this Province legally set off, some Time in the Month of *March* annually, at the same Time they choose other Town, Precinct, District or Parish Officers, to choose one or more Persons, to serve as Collector or Collectors of all such Rates or Assessments, as shall be granted or agreed by such Town,

or

or by the General Sessions of the Peace, in which County the same lieth, or by any Precinct, District or Parish regularly set off as aforesaid, who shall be under the Oath herein after provided, which Oath shall be administred by a Justice of the Peace, if any such live within the same Town, or by the Select-Men of such Town, as the Law already provides. And any Person that shall be chosen into the Office of a Collector as aforesaid, and that shall refuse to accept thereof, or deny and neglect to take the Oath herein expressed, shall forfeit and pay unto the Town Precinct, District or Parish Treasurer, the Sum of *three Pounds*, to the Use of the Poor of such Town, Precinct, District or Parish: And if such Person neglect or refuse to pay his Fine, he shall be proceeded against, as the Law directs for the prosecuting of Persons refusing to serve in the Office of a Constable; provided no Person in Commission for any Office Civil or Military, Church-Officers, or Members of the House of Representatives for the Time being, nor other Person, that has served as Constable or Collector within the space of seven Years before, shall be obliged to serve in the Office of Collector.

To be under Oath.

Penalty on refusal.

Persons exempt.

And be it further enacted by the Authority aforesaid, That every Person chosen Collector as aforesaid, and accepting thereof, shall settle and issue his Accompts, of all Rates and Assessments to him committed, with the Select-Men of such Town, or Person mentioned in the Warrant, to whom the Rate is payable, within twenty Days after the Time is expired in the said Warrant, to be annexed to the Rate or Assessment to him committed for Payment thereof, under the Pain and Penalty of any Collector so neglecting or refusing, the Sum of *twenty Shillings*, for every Month he shall neglect so to do, to be recovered as in and by this Act is provided for refusal to accept of such Office, and to be applied for the Use and Intent aforesaid: Any Law, Usage, or Custom to the contrary notwithstanding.

Collectors to make up Accompts of Assessments.

Penalty for neglect.

And be it further enacted by the Authority aforesaid, That the Form of the Oath to be administred to any Person chosen Collector shall be as follows:

Form of the Oath.

WHereas you *A. B.* are chosen Collector within the Town of *C.* or Precinct, District or Parish within the Town of *C.* for one Year now following, and until other be chosen and sworn in your Place; you do swear, That you will faithfully, and with what speed you can, collect and levy all such Rates or Assessments and Sums of Money, committed to you to collect, and for which you shall have sufficient Warrant, rendring Account thereof, and paying in the same according to the Direction in your Warrant. *So help you GOD.*

CHAP. II.

An Act for Explanation of, and Supplement to an Act referring to the Poor, &c.

Preamble.

WHEREAS *the Law for binding out poor Children Apprentices, is misconstrued by some, to extend only to such Children whose Parents receive Alms:*

For Explanation whereof:

Children of poor People to be put to Work, or bound out.

Be it declared and enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That the Select-Men or Overseers of the Poor, in any Town or District within this Province, or the greater Part of them, shall take Order, and are hereby impowred from Time to Time, by and with the Assent of two Justices of the Peace, to set to Work, or bind out Apprentice as they shall think convenient, all such Children whose Parents shall by the Select-Men, or the Overseers of the Poor, or the greater Part of them, be thought unable to maintain them (whether they receive Alms, or are

chargeable to the Place or not) so as that they be not cessed to publick Taxes or Assessments, for the Province of Town Charges; Male Children till they come to the Age of twenty-one Years, and Females till they come to the Age of eighteenth Years, or Time of Marriage: which shall be as good and effectual in Law to all Intents and Purposes, as if any such Child were of full Age, and by Indenture or Covenant had bound him or her self, or that their Parents were consenting thereto, Provision therein to be made for the instructing of Children so bound out, *to wit*, Males to read and write; Females to read, as they respectively may be capable: And the Select-Men or Overseers of the Poor, shall inquire into the Usage of Children, bound out by themselves or their Predecessors, and endeavour to defend them from any Wrongs or Injuries.

And for the better preventing of Idleness and loose and disorderly living:

Idle Persons to be set to Work.

11 *W.* ca. 5.

Be it further declared and enacted by the Authority aforesaid, That the Select-Men or Overseers of the Poor, or the greater Part of them, he, and are further impowered by and with the Assent of two Justices of the Peace, to set to work all such Persons, married or unmarried, able of Body, having no Means to maintain them, that live idly, and use or exercise no ordinary and daily lawful Trade or Business to get their living by. And no single Person of either Sex, under the Age of twenty one Years, shall be suffered to live at their own Hand, but under some orderly Family-Government; nor shall any Woman of ill Fame married or unmarried, be suffered to receive or entertain Lodgers in her House. And the Select-Men or Overseers of the Poor, Constables and Tything-Men are hereby ordered to see the due observance of this Act; and to complain and inform against any Transgressions thereof, to one or more Justices of the Peace, or the Court of General Sessions of the Peace, who are hereby respectively required and impowered, upon due Conviction of the Offender or Offenders, for living idly or disorderly, contrary to the true Intent of this Act, to commit or send such Offenders to the House of Correction or Work-House, there to remain and be kept to Labour, until they be discharged by order of such Justice or Justices, or the Court of General Sessions of the Peace; unless such Person or Persons so complained of, shall give reasonable Caution or Assurance to the Satisfaction of the Justice or Court that they will reform.

Idle Persons to be sent to the House of Correction.

Proviso.

Provided, This Act shall not be construed to extend to hinder any single Woman of good Repute, from the exercise of any lawful Trade or Employment for a Livelihood: Any Law, Usage or Custom to the contrary notwithstanding.

And any two Justices committing any Person or Persons as aforesaid, are hereby impowred, as they shall find Cause, to discharge them again.

CHAP. III.

An Act for altering the Form of the Certificate of Payment for Wolves, made out of any Town Stock.

7 *W.* ca. 5.

WHEREAS by a Law made in the seventh Year of the Reign of King William *the third, Provision is made for the reimbursing such Sums of Money as were paid out of any Town Stock for Wolves killed in and near such Town by discounting the same with the Constable of such Town, out of the publick Assessment committed to him to collect: But inasmuch as it is found by Experience, that the Sums paid out of the Stocks of some Towns, do exceed the Sums set upon such Towns, as their Proportion of the publick Tax, and no Method prescribed by Law for drawing the Surplusage out of the Treasury:*

Be

Province Treasurer to pay the whole Sum for killing Wolves.

Be it therefore enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That the Province Treasurer be and hereby is directed and ordered for the future, to pay unto the Treasurer of each Town respectively, such Sum or Sums as shall by such Town be advanced (agreably to Law) for Wolves killed in or near such Towns; and that all Certificates of such Payments to be returned to the Treasurer, shall be in the Form following: *That is to say,*

Form of Certificate.

THis may Certify, That there hath been paid unto sundry Persons out of the Town Stock of for grown Wolves, and Wolves Whelps, killed in and near unto our Town, and within this Province, since the Day of last past, and the Heads thereof brought unto our Constable or Constables, and the Ears cut off in the Presence of some of our selves, as the Law directs, and so certified unto us, in the whole the Sum of Pounds, *which Sum we desire you to allow to our Town, by paying the same unto our Town Treasurer. Dated in aforesaid, the Day of* Anno Domini, 1 7 .

Select-Men.

Town-Treasurer.

CHAP. IV.

An Act against counterfeiting the Bills of Credit on this Province, and the Neighbouring Governments.

Preamble.

WHEREAS notwithstanding the Laws already made for the Punishment of Persons convict of forging and counterfeiting the publick Bills of Credit, on the several Provinces, many Persons of late have been so hardy and wicked for base Lucre and Gain to themselves, to forge and utter several counterfeit Bills in Imitation of the true Bills of Credit:

For Prevention and Remedy whereof:

Counterfeiting of Province Bills to be punished with Death. 10. *A.* ca. 1.

Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That whosoever after the Publication of this Act shall presume to forge, counterfeit or utter any Bill or Bills, (knowing the same when uttered to be false and counterfeit) of the Tenor or in Imitation of any of the Bills of Credit on this Province, by Law established, or on the Province of *New-Hampshire*, the Colony of *Connecticut*, or the Colony of *Rhode-Island* and *Providence Plantation*, by Law established within the said Governments, or any of them; or that shall counsel, advise, procure, or any Ways assist in the forging, counterfeiting, imprinting, stamping or signing of any such false Bills, or engrave any Plate, or make any other Instrument to be used for the making any such false and counterfeit Bills, every Person and Persons so offending, being thereof convicted, shall be adjudged to suffer the Pains of Death: Any Law, Use or Custom to the contrary notwithstanding.

CHAP. V.

An Act in Explanation of, and in addition to an Act made in the thirteenth Year of King *William*, Intitled, *An Act for Review in Civil Causes.*

13 *W.* ca. 15. WHEREAS *in and by the said Act, it is provided,* " That it shall be " in the Liberty of the Party aggrieved at the Judgment given in any " Inferiour Court of Common Pleas, or in the Superiour Court of Judicature " respectively, by new Process to review the said Cause once in each Court :

And whereas, *it hath sometimes happened, that contrary to the Meaning of the said Act, the Party in whose Favour the Judgment of the Superiour Court hath been given, hath very soon after such Judgment, taken out his Writ of Review, pretending himself aggrieved by such Judgment, and entred his Action thereupon, when it hath been with Intent to prevent the other Person who was really aggrieved, bringing his Writ of Review ; and upon the Trial of such Review, a Doubt has arisen as well from the Nature of the Review, as from the Form of the Writ, whether the Defendant could have any Relief, or indeed any other Verdict or Judgment than Costs awarded him ; and thereupon as well the Design of the said Law defeated, as manifest Injustice sometimes may be done :*

For Remedy whereof :

Writs of Review of both Parties to be committed to the Jury.

Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That when and so often as it shall happen that both Parties bring forward and enter their Writs of Review in the Superiour Court, that then and in such Case, both Writs or Actions of Review shall be committed together by the Court to the same Jury, in order to reverse, confirm or alter the Judgment of the Superiour Court on the Appeal according to Law and Justice, and as the Matter shall appear upon the Tryal ; Any Law, Usage or Custom to the contrary notwithstanding.

CHAP. VI.

An Act in addition to an Act Intitled, *An Act for the more safe keeping the Registry of Deeds and Conveyances of Lands*, made in the first Year of his present Majesty's Reign.

1 *G.* ca. 4.
12 *G.* ca. 3.

WHEREAS *in and by an Act made in the first Year of his present Majesty's Reign, intitled,* An Act for the more safe keeping the Registry of Deeds and Conveyances of Lands, *It was (among other Things,) Enacted,* " That there should be chosen in each County within this Province, some suitable Person to be Register, in each County within the same, who should be " chosen by the Votes of the Freeholders of each respective Town, at their " Meeting in *March* then next following ; and that each Person so chosen, " should continue in the said Office five Years, *as by the said Act more fully appears : But no Provision is made in the said Act for the Choice of Registers after the said five Years, which are now near expired :*

Be it therefore enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That the Freeholders in each respective Town within this

this Province, at their Meeting in *March* next, and every five Years from thenceforth succeſſively following for ever, at their ſeveral Town Meetings in *March*, ſhall be and hereby are impowred and required to proceed to chooſe a Regiſter for each County reſpectively within the ſaid Province, qualified as in the ſaid Act is expreſſed; and that the Perſon ſo choſen, as aforeſaid, ſhall reſide and keep his Office daily open in the reſpective Shire Town of each County, and therein keep the Books, Records, Files and Papers to the ſaid Office belonging; and that all the other Clauſes, Articles and Paragraphs in the ſaid Act, are hereby made and declared to be perpetual, and ſhall abide and remain effectual and in full Force and Virtue to all Intents, Conſtructions and Purpoſes in the Law, from henceforth and forever hereafter: Any Law, Uſage or Cuſtom to the contrary notwithſtanding.

Choice of Regiſters of Deeds to be in *March* for ever.

Regiſter to reſide & keep his Office in the Shire Town.

CHAP. VII.

An Act repealing and making void the Form of the Writ of Replevin directed to in an Act Intitled, *An Act preſcribing the Form of Writs for Poſſeſſion, Scire Facias, and Replevin*; made in the thirteenth Year of the Reign of King *William* the third; and eſtabliſhing an other Form inſtead thereof.

13 *W.* ca. 13.

FOR *AS MUCH as ſome further Proviſion in the Law is neceſſary relating to Actions of Replevin, and for rendring the Proceedings therein more compendious and certain:*

Be it enacted by his Excellency the Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame, That the ſaid Form of the Writ of Replevin, preſcribed in and by the aboveſaid Act, made in the thirteenth Year of the Reign of the ſaid King *WILLIAM*, and every Article and Clauſe therein contained, ſhall be and hereby is repealed, determined and made void and of none effect forever.

Former Writ of Replevin made void.

And be it further declared and enacted by the Authority aforeſaid, That from henceforth the Writ of Replevin to be iſſued out of the Inferiour Court, ſhall be from Time to Time granted and iſſued out in the Form following; (*That is to ſay*:)

S.——*ſſ.* TO the Sheriff or Marſhal of the ſaid County of *S.* his Under-Sheriff or Deputy, or Conſtables of the Town of *B.* within the ſaid County, or to any or either of them, *Greeting*. In his Majeſty's Name you are required to Replevie belonging to *T. P.* of *B.* addition now diſtrained or impounded by *J. G.* of *B.* addition and deliver the ſaid unto the ſaid *T. P.* and Summons the ſaid *J. G.* To appear before Our Juſtices of Our Inferiour Court of Common Pleas next to be holden at *B.* within and for our County of *S.* aforeſaid on the Day of then and there in our ſaid Court to anſwer to the ſaid *T. P.* in a Plea of Replevin, for that the ſaid *J. G.* he on the Day of at a Place called *A.* in *B.* aforeſaid took of the Plantiffs, and drove them away and impounded them in and in the ſaid Pound them unjuſtly detained, againſt Pledges and Sureties till this Day. Which is to the Dammage of the ſaid *T.P.* (as he ſaith) the Sum of *Pounds*, as ſhall then and there appear with other due Dammages. *Provided*, he the ſaid *T.P.* give Bond to the Value of *Pounds*;

New Form of Writ of Replevin.

Pounds, with sufficient Surety or Sureties to prosecute his Replevin at the said next Inferiour Court of Common Pleas; and so from Court to Court until the Cause be ended. And to pay such Costs and Dammages as the said *J. G.* shall recover against him. Hereof fail not, and make true Return of this Writ with your Doings therein, unto the said Court. Dated in *B.* the Day of in the Year of His Majesty's Reign. *Annoque Domini* *A. D.* Clerk.

And the like Form of Replevin to be observed for Matters cognizable before a Justice of Peace, *Mutatis Mutandis*; but neither of them to be construed to extend to any Distress or Distresses made by the proper Officer, for any Tax, Fine or Forfeiture.

Copy of Writ of Replevin to oblige the Defendant to answer.

And be it further enacted by the Authority aforesaid, That in Case the Defendant in any Action of Replevin, cannot be found, an attested Copy of the said Writ of Replevin, being left at the House or Place of usual Abode of the Defendant, shall be sufficient to oblige him to Answer to the Suit.

Acts and Laws,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and Held at *Boston*, upon Wednesday the thirteenth Day of *July*, 1720. And continued by several Prorogations unto Wednesday the Fifteenth Day of *March* following, and then met.

CHAP. VIII.

An Act in addition to an Act made in the twelfth Year of King *William*, Intitled, *An Act directing how Taxes to be granted by the General Assembly shall be assessed and collected*, and for the ratifying and confirming the Proceedings of the Assessors of Precincts, Districts and Parishes, and the collecting of such Rates and Taxes as may have been made by such Assessors, altho' not upon Oath, and to impower Committees of Precincts *&c.* to call Meetings.

Preamble.

WHEREAS it is not expressly declared in and by the said Act of the twelfth of King WILLIAM *that the Assessors of Precincts, Districts and Parishes shall be upon Oath, and some of the Assessors legally chosen by and for some of the Districts, Parishes and Precincts within this Province, have not been under Oath, and thereupon some Difficulty has arisen as to the collecting and paying such Parish and Precinct Taxes or Rates:*

Assessors of Parishes, &c. to be under Oath.

Be it therefore declared and enacted by his Excellency the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That from and after the Publication of this Act, all Assessors as well those of and for Parishes, Precincts and Districts shall be under the Obligation of an Oath to make their Assessment just and equal, according to the Rules in the Law provided.

Parish Committees to have Power to call Meetings.

And that the Committee chosen in Precincts, Districts and Parishes to manage their Prudentials, shall have the like Power and Authority, to call and appoint Meetings of their respective Precincts, Districts and Parishes, as the Select-Men of Towns have to call and appoint Town Meetings.

And be it further enacted, That all Assessments hitherto made by any Assessors legally chosen for any Precinct, Parish or District within this Province, although

although not upon Oath, shall be and are legally held, deemed and made good and valid to all Intents and Purposes, as if the same had been made upon Oath; and all Constables, Collectors, and Persons concerned, are to conform themselves accordingly. Assessment made not under Oath, to be held good.

Provided always, That such Assessments that have been made, and the Assessors not under Oath, and the whole or any Part thereof not collected; that in all such Cases Oath shall be made by those Assessors living that made the Assessments, if thereto required, that they acted impartially and according to their best Skill and Judgment: Any Law, Usage or Custom to the contrary notwithstanding. Proviso.

CHAP. IX.

An Act to prevent mispending Money in Taverns.

WHEREAS many Persons are so extravagant in their Expences at Taverns, and other Houses of common Entertainment, that it greatly hurts their Families, and makes them the less able to pay and discharge their honest, just Debts; and are encouraged in this Practice by the Taverners, Retailers and Keepers of Houses of Entertainment giving them too great Credit; Preamble.

For Remedy whereof:

Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That if any Innholder, Retailer, Ale-House-Keeper, or common Victualler, shall after the Publication of this Act, trust or give Credit to any Person inhabiting in the same Town where they are trusted, for Victuals or Drink, for more than *ten Shillings*, such Inn-holder, Retailer, Ale-House-keeper, or common Victualler shall forfeit all such Sums so trusted; and all Actions to be brought for such Debt or Debts, to be utterly excluded and barred: Any Law, Usage or Custom to the contrary notwithstanding. Taverner &c. to forfeit Debts for Drink and Victuals exceeding 10 *s.*

An Act,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and Held at *Boston*, upon Wednesday the twenty-third Day of *August*, 1721.

CHAP. I.

An Act for laying sundry Duties on such Goods as shall be imported into this Province, from the Province of *New-Hampshire*, and on such as shall be exported from this Province, thither.

WHEREAS the Government of New-Hampshire *do exact and take* two Shillings *a Thousand for every Thousand of Boards brought down the River commonly called* Piscataqua-River, *and transported into this Province; though the Trees out of which the Boards are made, grow upon Lands within this Province, and are cut at Mills in the County of* York; *altho' the Inhabitants of this Government have equal Right with the Inhabitants of the Province of* New-Hampshire, *to pass up and down the aforesaid River by Grant and Purchase; which Exaction therefore is altogether unjust and oppressive:* Preamble.

Duties on Goods imported.

Be it therefore enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That from and after the *twentieth* Day of *October* next, there shall be paid to the Impost Officer, for the Use of this Government, for every Hogshead of Rhum that shall be imported from the Province of *New-Hampshire* into any Parts of this Government, the Sum of *five Pounds*, and so proportionably for greater or lesser Quantities; for every Pipe of Wine, the Sum of *five Pounds*, and so in proportion for greater and lesser Quantities; for all other Sorts of Goods, Wares or Merchandize whatsoever, *ten per Cent. ad Valorem.*

Penalty on the Master in Case he unload without reporting.

And if any Master or Commander of any Ship or Vessel shall unload any Rum, Liquors, Goods, Wares or Merchandize whatsoever, imported from the Province of *New-Hampshire* into any Ports or Harbours within this Province, before he hath made Report to the Impost-Officer of all such Rum, Wine, Goods, Wares or Merchandize whatsoever, and the Value thereof upon Oath, and paid the Duties by this Act injoined, he shall forfeit and pay the Sum of *One Hundred Pounds*, to be recovered by Bill, Plaint or Information, in any of His Majesty's Courts of Record, the one Half of the said Forfeiture to be applied for and towards the Support of this His Majesty's Government, the other Half to be to and for the Use of him or them that shall inform and sue for the same.

Goods to be confiscated.

And all such Wines, Liquors, Goods, Wares and Merchandize as shall be landed before the Duties paid, shall be liable to be seized and confiscated, upon Proof made in any of His Majesty's Courts of Record, to be disposed of, as by this Act is already provided.

Duties on Goods exported.

Be it further enacted by the Authority aforesaid, That there shall be paid for every Barrel of Beef and Pork that shall be exported from this Province into the Province of *New Hampshire*, the Sum of *ten Shillings*, and so in Proportion for greater and lesser Quantities: For every hundred Weight of Bread the Sum of *five Shillings*; for every Bushel of Wheat *one Shilling*; for every Bushel of Indian Corn or Meal *six Pence*; and for all other Sorts of Goods, Wares and Merchandize, *ten per Cent. ad Valorem.*

Penalty on the Master taking Goods on board before report made.

And that any Master of any Ship or Vessel that shall take on Board any Rum, Liquor, or other Goods, Wares and Merchandize, in order to be transported to the Province of *New-Hampshire*, before he hath reported to the Impost Officers the Quantity and Value of all such Wines, Liquors, Goods, Wares and Merchandize, and paid the Duties therefor, shall forfeit and pay the Sum of *One Hundred Pounds*, to be recovered and disposed of as by this Act is already provided.

Goods to be forfeited.

And all such Rum, Liquors, Goods, Wares and Merchandize, that shall be put on Board any Ship or Vessel, in order to be transported into the Province of *New-Hampshire*, that have not paid the aforesaid Duties, shall be forfeited and disposed as aforesaid, upon Proof made in any of His Majesty's Courts of Record.

Oath to be given to the Importer or Owner.

Be it further enacted, That the Oath to be given by the Importer or Owner of all Rum, Liquors, Goods, Wares or Merchandize as is herein made mention of, shall be in the Words following:

Oath.

"YOU *A. B.* do swear, That the Entry of the Goods and Merchandize by "you made, contains the true Value, and agreable to the Invoice here-"with exhibited, and that according to your best Skill and Judgment, is not less "than the real Cost thereof. *So help you GOD.*

Any Law, Usage, or Custom to the contrary notwithstanding.

An Act,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and Held at *Boston*, upon Wednesday the twenty-ninth Day of *May*, 1723.

An Act for limiting and regulating the Proceedings of the Judges of Probate, and for granting Letters of Administration in the respective Counties of the Province, in their granting Administration on such Estates as have not been fully administred on already, commonly called, Administrations *de bonis non.*

Preamble.

WHEREAS of late Years it hath frequently happened, that the Judges of Probate in some of the Counties of the Province, have granted Letters of Administration de bonis non, *on the Estates of Persons deceased, even many Years after the Will of such Person has been fully executed, or Administrations on Intestate Estates, made up and finished, under a Pretence that such deceased Person dyed seized of some Right of Commons in Lands, or other real Estate, whereby such Administrators have given great Disturbance to the respective Towns or Proprietors that own such Lands, when at the same Time, it is not so much as pretended that there is any personal Estate of the Deceased left unadministred upon, or any Debts remaining unpaid:*

For Prevention whereof:

No Administrations *de bonis non* to be granted, but where there are *bona Notabilia*, or Debts unsatisfied.

Be it enacted by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That for the future no Administration *de bonis non* shall be granted on the Estate of any Person deceased, unless Oath be first made, that there are *bona Notabilia*, or a personal Estate of *five Pounds* Value unadministred on, or there appear to be Debts of the like or greater Value not satisfied.

Rights of Commonages to go to the Heirs.

Actions of any others for the same bar'd.

And be it further enacted by the Authority aforesaid, That in all such Cases where it is alledged, or may be supposed, that the deceased died seized of some Rights of Lands or Commonages, the same being a real Estate, Administration shall not be granted thereon, but as the same descends and belongs to the Heirs of the deceased; so such Heirs and they only, shall demand, prosecute or sue for the same: And all Actions for such Lands or real Estate, brought or to be brought by Administrators *de bonis non*, shall be dismissed and for ever barred in the Law: Any Law, Usage or Custom to the contrary notwithstanding.

Acts and Laws,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and Held at *Boston*, upon Wednesday the twenty-ninth Day of *May* 1723. And continued by Prorogation unto Wednesday the seventh Day of *August* following, and then met.

CHAP. I.

An Act in amendment of and addition to an Act Intitled, *An Act against receiving Stolen Goods*, made and passed in the tenth Year of the Reign of King *William*.

10 *W.* ca. 6.

Preamble.

WHEREAS the Penalty provided in and by the Act against the receiving Stolen Goods, *hath not only proved ineffectual to deter Persons from committing the said Offence, but the Party injured is often defeated of his just Satisfaction by the Offenders avoiding to make Satisfaction by suffering corporal Punishment:*

Persons that receive Stolen Goods to be punish'd as in Case of Theft.

Be it therefore enacted by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That for the future all Persons offending against the said Law, and being thereof convict by due Course of Law, that shall not make Restitution, as awarded; shall be ordered by the Justices, or Court that may have Cognizance thereof, to make Satisfaction by Service, and be disposed of for that Purpose, in like Manner as is provided in Case of Theft, and be further punished by whipping, not exceeding twenty Stripes, at the Discretion of the said Court.

CHAP. II.

An Act for preventing Abuses in distilling of Rum, and other strong Liquors, with Leaden Heads or Pipes.

WHEREAS the strong Liquors and Spirits that are distilled thro' leaden Heads or Pipes, are judged on good Grounds to be unwholesome and hurtful; notwithstanding which some Persons to save Charge, may be led into the making or using of such Heads, Worms or Pipes:

For Remedy and Prevention whereof:

No leaden Heads or Worms to be used in distilling, upon Penalty.

Be it enacted by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That no Person whatsoever, shall make Use of any such leaden Heads or Worms for the future; and that whosoever shall presume to distil, or draw off any Spirits or strong Liquors thro' such leaden Heads or Worms, upon legal Conviction thereof, before any of His Majesty's Courts of Record, shall forfeit and pay a Fine of *one Hundred Pounds*.

No Brazier, &c. to make Worms or Heads of base Pewter or Lead. Penalty.

And be it further enacted by the Authority aforesaid, That no Brazier, Pewterer, or other Artificer whatsoever, shall presume to make any Worm or Head (for distilling) of coarse and base Pewter, or such as hath any Mixture of Lead in it; under the Penalty of *one Hundred Pounds*.

And

And be it further enacted, That in each Town within this Province, where the Distilling Trade is carryed on, it may be lawful for the Inhabitants thereof, at their annual Town Meeting in *March* for Choice of Town Officers, to choose two or more Assay-Masters, whose Business it shall be to inspect and make Tryal of any such Heads and Worms as shall be suspected by them, and if upon their Assaying and Tryal of them, they be found to be made of Lead, or of other base Mettle, or to have an Alloy of Lead or of other base Mettle in them, they shall give Notice thereof to the Distiller or Owner thereof; who is hereby forbidden to make any farther Use thereof in Distilling, under the aforesaid Penalty of *one Hundred Pounds*. Assay masters their Duty.

And be it further enacted by the Authority aforesaid, That the Assay-Masters or Inspectors are hereby impowred to enter into any Still-House or Place where such Utensils are suspected to be kept, and to cut off so much of them, as shall be needful to make an Assay or Tryal of them. And every Distiller shall be obliged to produce a Certificate under the Hands of the Assay-Masters, for the Time being, for all the Pewter Heads and Worms which they shall make Use of in Distilling, that they have been tryed and are approved of by them for good Pewter, and that they have put their Mark and Number upon them, for which Mark, a Stamp shall forthwith be prepared at the Town Charge: For which Certificate, and every Assay made by them, they shall be allowed by the Distiller or Owner of such Heads and Worms, the Sum of *five Shillings*: The said Certificate with Mark and Number to be entred in the Town Clerk's Book, for which Service the Town Clerk shall be allowed *six Pence*. And Power. Assayers Certificate to be produced. Upon Penalty. Certificate to be enter'd with the Town Clerk.

And be it further enacted by the Authority aforesaid, That all Forfeitures and Penalties arising by Virtue of this Act shall be the one Half to the Poor of the Town where the Offence is committed, and the other Half to him or them that shall inform and sue for the same. Fines how disposed.

And further, That Capt. *Thomas Smith*, Mr. *Jonathan Jackson*, and Mr. *Jonas Clark*, of *Boston*, be the first and present Assay-Masters for the Towns of *Boston* and *Charlstown*, and that they and all others, hereafter chosen to that Office, shall make Oath as follows, *viz.* Assay-masters appointed.

"I *A. B.* do solemnly swear, That I will to the best of my Skill, prove and "make Trial of all Worms and Still-Heads, within the Town of *C.* that "are used or designed to be made Use of in Distilling, that shall come to my "Knowledge, for which there is no Certificate in the Town Clerk's Book, and "will make a true and faithful Report thereof to the Town Clerk for the Time "being. *So help me GOD.* Assay-masters Oath.

An Act,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and Held at *Boston*, upon Wednesday the twenty-ninth Day of *May*, 1723. And continued by several Prorogations unto Wednesday the twenty-third Day of *October* following, and then met.

CHAP. III.

An Act in addition to the Act for the more effectual providing for the Support of Ministers.

WHEREAS in and by an Act made in the first Year of the Reign of *Her late Majesty Queen* ANNE, *Intitled*, An Act for the more effectual providing for the Support of Ministers, *the Inhabitants of each District or Precinct regularly set off from any Town, are impowered to choose* 1 *A.* ca. 3.

Assessors for the assessing and raising a Maintenance and Support for the Minister of such District or Precinct, and other Precinct Officers: But no Provision or Direction is yet made in the Law for the first calling and assembling the Inhabitants of any District, Precinct or Parish regularly set off from any Town in the Province, for want of which, many Inconveniencies have arisen, and may still arise:

Preamble.

For Remedying whereof:

Be it enacted by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That it shall and may be lawful for any Justice of the Peace in the County where such Precinct, District or Parish, regularly set off, (as aforesaid) is, And such Justice is hereby impowred upon Application to him made by five or more of the Freeholders of such Precinct, District or Parish, by writing under their Hands for calling of a Meeting, to issue out a Warrant for the assembling of such District, Precinct or Parish, as aforesaid, directed to one of the Free-holders, asking the same, requiring him to notify the Freeholders and other Inhabitants (qualified by Law to Vote in Town Affairs) of the Meeting, and the Time and Place for the same; which Notification shall be given in writing posted up in some publick Place or Places, within the said District, Precinct or Parish, fourteen Days before the Day appointed for the Meeting: And such and so many of the Freeholders and other Inhabitants, as aforesaid, that are assembled and met accordingly, shall have Power by a major Vote to choose a Moderator, as also a Clerk to enter and record all Votes and Orders, that from Time to Time shall be made and passed in the said Precinct, District or Parish Meetings, who shall be sworn to the faithful Discharge of his Office, as the Law directs for the swearing of Town Officers; and further to choose a Committee for calling of Meetings of the Precinct, District or Parish for the future: And no other Affair shall be transacted at any such Meeting, than what is expressed in the Warrant or Notification for such Meeting.

Justice of Peace upon Application to call Precinct Meeting.

Nothing to be pass'd but what is contain'd in the Warrant.

An Act,

Passed by the Great and General Court or Assembly of HisMajesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and Held at *Boston*, upon Wednesday the twenty-seventh Day of *May*, 1724.

CHAP. IV.

An Act in addition to the Act for holding Special Courts of Assize, and General Goal Delivery.

12 *A.* ca. 4.

WHEREAS in and by an Act made in the twelfth Year of the Reign of Her late Majesty Queen ANNE, *Provision is made for the calling and holding Special Courts of Assize and General Goal Delivery, for the Trial of Offenders in Cases of Murder only on extraordinary Occasions, when the ordinary Time set and stated by Law for the holding the Superiour Court of Judicature, Court of Assize and General Goal Delivery, in the respective Counties, happens to be at a considerable Distance from the Time of the Offenders being apprehended: And it being found necessary that there should be the like Provision made for the Trial of Offenders in all capital Cases;*

Preamble.

Be it therefore enacted by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That it shall and may be lawful to and for the Gover-

Governour or Commander in Chief, for the Time being, by and with the Advice and Consent of the Council, upon any extraordinary Occasion and Emergency, as aforesaid, by a Precept directed to the Justices of the Court of Assize, and General Goal Delivery, to order and appoint them to hold a special Court, as soon as may be, for the trial of any capital Offender or Offenders, where the Offence is by Law made Felony of Death, and to cause *Venires* to be issued forth for the summoning Jurors for such Court out of the several Towns, as usual, for the stated Courts, and to make out all other necessary Processes, and do what else shall be requisite, according to the Powers given them in and by the Act for establishing a Superiour Court of Judicature, Court of Assize and General Goal Delivery. And the Judges and Officers of such special Court, to have such Allowance for their Attendance and Service, as shall be ordered by this Court. Special Courts of Assize to be held for trial of any capital Offenders.

Acts and Laws,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and Held at *Boston*, upon Wednesday the twenty-seventh of *May* 1724. And continued by several Prorogations unto Wednesday the eleventh Day of *November* following, and then met.

CHAP. I.

An Act for amending of Errors and Defects in Reasons of Appeal, and better Advancement of Justice.

WHEREAS the Time of the Great and General Court or Assembly of this Province is often taken up in relieving of Persons that have appealed from the Sentence or Judgment of the Inferiour Court of Common Pleas, and Court of General Sessions of the Peace in the respective Counties of the Province, to the Superiour Court of Judicature, or Court of Assize; and through some Error or Mistake in the Party, or his Attorney, and sometimes of the Clerk of the Court, in misreciting the Parties or Judgment, or misnaming the Courts appeal'd to or from; or otherwise, the Parties appealing have not only lost the Benefit of their Appeal, but have been necessitated to resort to this Court for Relief: Preamble.

Be it enacted by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That the Justices of the Superiour Court of Judicature Court of Assize and General Goal Delivery, at their respective Sessions in the several Counties of the Province for the future, be and hereby are allowed and impowred in all such Cases, as aforesaid, upon the Appellants paying reasonable Costs to be taxed by the said Court, to order an Amendment of such defective or mistaken Reasons of Appeal; and to proceed to Tryal of the Cause, as though no such Error had been committed. Justices of the Superiour Court impower'd to amend Reasons of Appeal.

And be it further enacted by the Authority aforesaid, That the Justices of the Inferiour Courts of Common Pleas, and Courts of General Sessions of the Peace in the several Counties within the Province, shall, and hereby have the same Power granted to them; in Case of any Lapse or Mistake in Reasons of Appeal from the Sentence or Judgment of any of his Majesty's Justices of the Peace, that shall come before the said Courts: Any Law Usage or Custom to the contrary notwithstanding. Justices of the Inferiour Court and Quarter Sessions alike impower'd.

CHAP.

CHAP. II.

An Act for the better regulating the Admission of Town Inhabitants within the Province of the *Massachusetts-Bay*.

Preamble.

WHEREAS *in and by an Act or Law of this Province made and pass'd in the eighth Year of his present Majesty's Reign, Intitled,* An Act in Addition to an Act directing the Admission of Town Inhabitants, *made and pass'd in the thirteenth Year of the Reign of King* William *the third*; It is therein enacted, That upon the arrival of any Ship or Vessel in any Port or Harbour within this Province transporting any Passengers, Servants or others whatsoever, and before Bulk be broken, or such Passengers, Servants or others be suffered to land or come on Shore, the Master of such Ship or Vessel shall repair to the Select-Men or Treasurer of such Town where no Receiver of Impost dwells, and give in a List or Certificate of all the Passengers, Servants and others he has brought in his Ship or Vessel from beyond Sea, with their Circumstances, and Merchandize they bring with them, as near as can be: And the Master of such Ship or Vessel shall enter into sufficient Bonds to the Satisfaction of the said Select-Men or Treasurer of the Town where the Ship or Vessel arrives, to save such Town harmless from all Manner of Charge arising or that may arise to the same Town, by Reason of such Passengers, Strangers, Servants, or others arriving among them".

Recital from an Act of the 8th of King GEORGE which is repeal'd & not printed in this Book.

And whereas the true Intent of the said Act was to prevent the Importation of poor, vicious and infirm Persons, who might prove either a publick Charge to the Province in general, or to some particular Town, without any Design to lay a Difficulty or Discouragement upon Trade:

Masters of Ships to give Security for their Passengers.

Be it therefore enacted by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That when any Ship or Vessel importing any Passengers, shall arrive in any Port or Harbour within this Province, the Master of such Ship or Vessel before Bulk be broken, or such Passengers be suffer'd to land or come on Shore, shall repair to the Select-Men or Treasurer of such Town where no Receiver of Impost dwells, and give in a List or Certificate of all the Passengers he has brought in his said Ship or Vessel beyond Sea, with their Circumstances, and the Merchandize they bring with them, as near as can be: And such Passengers as can make it appear, that they then bring with them into this Province Effects to the Value of *fifty Pounds*, (not including necessary Houshold Goods and wearing Apparel) as likewise all able-bodied Husbandmen, Mariners, Handy-crafts-men, Labourers and indented Servants; provided they are not Persons of vicious Conversation, or ill Fame, shall be and hereby are admitted to Land without the Master's being subject to give Security: But as for all others, the Master of such Ship or Vessel shall enter into Bond within five Days after his arrival as aforesaid, with sufficient Sureties to the Satisfaction of the said Select-Men or Treasurer, as aforesaid, in a Sum not exceeding *one Hundred Pounds* for each Passenger, to save such Town harmless from all Manner of Charge arising, or that may arise to the said Town from such Passengers for and during the term of five Years; on Pain of forfeiting the Sum of *one Hundred Pounds* for the Use of the Poor of the Town or Place where such Passengers shall be landed, or set on Shore: And in Case any Passenger or Passengers shall give sufficient Security for themselves to the Acceptance of the Select-Men or Treasurer, as aforesaid, the Master of the said Vessel is exempted from giving Bond so far as relates to them.

Persons exempted from having Security for them.

Bond for five Years.

Penalty for not giving Security.

And

And be it further enacted by the Authority aforesaid, That the Master of every Coasting Vessel, Wood Sloop, Fishing Vessel or others, coming from any Port or Harbour of this or any neighbouring Governments into *Boston*, or any other Port or Harbour within this Province, shall within twenty four Hours after his arrival deliver to the Receiver of Impost, where such Officers are, and where none are, to the Select-Men or Treasurer of the Town, a perfect List or Certificate of the Christian and Sir-Name of all Passengers brought in such Vessel (which are not settled Inhabitants of any Town in this Province) and their Circumstances, so far as he knows, and give Bond, as aforesaid, on Pain of forfeiting the Sum of *one Hundred Pounds*, for the Use of the Poor of the Town or Place where such Passengers shall be landed, or put on Shore: And the Forfeitures in this Act mention'd to be recovered by Bill, Plaint or Information, by the Select-Men or the major Part of them, or the Treasurer of such Town where the Ship or Vessel arrives, in any of His Majesty's Courts of Record within this Province; Any Law, Usage or Custom to the contrary thereof notwithstanding. Lists & Security to be given for Passengers in Coasting Vessels, &c. on the same Penalty,

And the afore recited Act *in Addition to the Act directing the Admission of Town Inhabitants*, is hereby repealed and declared void. The former Act repealed.

CHAP. III.

An Act to enable the Executors or Administrators of Constables or Collectors deceas'd, to sue for and recover any Assessments not collected by them in their Life Time.

WHEREAS the several Constables and Collectors that have Rates or Taxes committed to them to collect, stand by Law indebted and are obliged to pay in the same to the several and respective Treasurers or Receivers of the Rates and Taxes within this Province: But no Provision is yet made in the Law for the Executors or Administrators of any such deceased Constables or Collectors, who have not settled and made up their Accompts, as by the said Law is provided, to gather in or collect the same, or so much thereof as may happen to be unpaid: Preamble;

Be it therefore enacted by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That when and so often as it shall so happen that any Constable or Collector within this Province heretofore deceased, or that shall die before he shall have collected the several Sums committed to him by lawful Authority to collect of the Inhabitants of this Province for their Town, Precinct, County or Province Tax, that then and in such Case, it shall and may be lawful for the Executors or Administrators of such deceased Constables or Collectors to levy and collect such Sums of the Inhabitants named in the Lists to them severally committed, as upon the decease of such Constables or Collectors shall appear due or unpaid to them respectively: And such Executors or Administrators by themselves, or their Attorneys, are hereby impowred to do, perform and execute all the Powers granted by Law to the several Constables and Collectors in such Cases: Any Law, Usage or Custom to the contrary notwithstanding. Executors or Administrators of deceased Constables or Collectors impowred to collect Rates.

CHAP.

CHAP. IV.

An Act for Explanation of, and in Supplement to an Act, Intitled *An Act for High Ways*, made in the fifth Year of the Reign of King *William* and Queen *Mary*.

5 *W.* & *M.* ca. 10.

Preamble.

WHEREAS in and by an Act made and pass'd in the fifth Year of the Reign of King WILLIAM and Queen MARY, *Intitled* An Act for High-Ways, *the Inhabitants of each Town respectively within this Province are obliged (without reasonable Excuse made) under certain Penalties to attend by themselves, or other sufficient Person in their Steads, or with their Carts and Teams, for the keeping in repair and amending from Time to Time all High-Ways*, &c. *lying within the Precincts of such Town, upon convenient publick Notice given them by the Surveyors for the said Work, as by the said Act more fully appears: But forasmuch as there is no Direction in the said Act for stated Limits to be observed by the said Surveyors in repairing and amending the said high Ways, and great inconveniences have happen'd or arisen in many Towns*;

For Remedy whereof:

Select-men &c. to appoint Districts to the Surveyors of High-Ways.

Be it enacted by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That the Select-Men of each respective Town within this Province, with one or more Justices of the Peace in those Towns where such there are; or otherwise, the Select-Men by themselves, shall be and hereby are directed and impowred to appoint to the Surveyors of such Town, their several Divisions or Districts for repairing and amending from Time to Time, all High-Ways lying within the same; which the said Surveyors are hereby required to observe and conform unto,

And to the Intent that all Persons liable by the said Act to Work in the High-Ways may have such Notice to attend the said Work, as in and by the said Act is provided:

Surveyors to notify Persons to Work in the High-Ways.

Be it further enacted by the Authority aforesaid, That the Surveyors respectively be and hereby are required (extraordinary Casualties excepted) six Days at least before the Day appointed for providing Materials and working in the High-Ways, to notify such Persons to attend the said Work, either by themselves or other sufficient Persons in their Stead, or with their Carts and Teams; the said Notifications to be by writing under the Hands of the said Surveyors, signifying the Time and Place of Attendance, and to be left at the Place of such Persons usual abode. And if any Person being so notifyed make Default of attending said Work by himself or other sufficient Person in his Stead, or with his Cart and Team, as he shall be appointed; he shall forfeit the Sum of *five Shillings* for each Days Neglect, and for Default of his Cart and Team with a Driver, *ten Shillings per Diem*; one Moiety of the said Forfeitures to be to the Use of the Surveyors, the other Moiety to be to the Use of the Town, and to be recovered as in and by the said Act is provided: Any Law, Usage or Custom to the contrary notwithstanding.

Proviso.

Provided, That this Act shall not extend to the preventing or altering the Practice in any Town of defreying the Charge of repairing or amending the High-Ways by a Rate or Tax, or any other Method they have, or shall agree upon; any Thing herein contained to the coutrary notwithstanding.

CHAP.

CHAP. V.

An Act in addition to an Act, Intitled, *An Act for the better regulating the Ferry over* Charles-River, *betwixt* Boston *and* Charlstown, made in the ninth Year of the Reign of the late Queen ANNE.

WHEREAS *it is found neceſſary for the expeditious Paſſage both of Man and Horſe over* Charles-River, *that there be more Boats than three, which are already by Law eſtabliſhed:* Preamble.

Be it therefore enacted by the Lieutenant Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame, That from and after the twenty-fifth Day of *March* next, there be four ſufficient Boats kept and maintained for the more ſpeedy Tranſportation of Men and Horſes over the ſaid Ferry; and two Boats ſhall be paſſing at one and the ſame Time, and not more than one Boat at either of the Shores, under the Penalty of *twenty Shillings*; one Third to the Informer, one Third to the Uſe of the Poor of the Town of *Boſton*, and the other Third to the Poor of the Town of *Charlſtown*; to be recover'd by Information or Complaint made to any Juſtice of the Peace, who may reſtrain the Offender or Offenders until he or they ſhall pay the ſame. Four Boats to ply at *Charlſtown* Ferry. One Boat only to be at each Shore. Penalty.

And be it further enacted by the Authority aforeſaid, That there be made, and from Time to Time kept in good Repair ſufficient and convenient Ways, for paſſing to and from the Ferry Boats at the landing Place on either Side, at the Charge of the Perſons who have the Profit or Income ariſing by the ſaid Ferry: Any Law, Uſage or Cuſtom to the contrary notwithſtanding. Convenient Ways to be kept at the Ferry.

Acts and Laws,

Paſſed by the Great and General Court or Aſſembly of His Majeſty's Province of the *Maſſachuſetts-Bay* in *New-England*, Begun and Held at *Boſton*, upon Wedneſday the twenty-ſixth Day of *May*, 1725. And continued by ſeveral Prorogations unto Wedneſday the third Day of *November* following, and then met.

CHAP. I.

An Act in addition to an Act Intitled, An Act *enabling Sheriffs and Conſtables to require Aid*, &c. made in the tenth Year of the Reign of the late King *William*.

10 *W.* ca. 12.

WHEREAS *notwithſtanding the Proviſion made in the ſaid Act, ſome Queſtion has ariſen upon the Power of Conſtables, Whether they have any Authority to convey any Perſons by them apprehended in purſuance of any lawful Warrants or Writs to them directed, any further than through their own Towns and Precincts?* Preamble.

Be it declared and enacted by the Lieutenant Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame, That the Conſtable or Conſtables of the ſeveral Towns within this Province, have full Power and Authority, in the Execution of the ſeveral Warrants or Writs to them directed, by lawful Authority, to convey as well any Priſoner or Priſoners, as Things that they may take into their Cuſtody, either to the Juſtice iſſuing ſuch Warrant or Writ, or the common Goal of the County where ſuch Conſtable is an Inhabitant, according as in the Writ or Warrant may be directed. Conſtables Authority in the Execution of Writs and Warrants.

CHAP. II.

An Act to impower the Sheriffs, Constables and other Officers of Justice in the neighbouring Provinces and Colonies, as well to pass and repass, as to convey such Persons or Things, as may be in their Custody, on the Service of any Writ, Warrant, or other Process, by and thro' any of the Roads or publick Ways lying in or leading thro' any of the Towns or Lands of this Province.

Preamble.

WHEREAS many of the Towns of this Province and the neighbouring Provinces or Colonies of New-Hampshire, Connecticut *and* Rhode-Island, *and the publick Roads leading to and from one another, are so intermixed, that the Officers of Justice of the respective Provinces and Colonies in the Execution of Writs, Warrants, and other Processes, are oftentimes obliged (the Roads or direct Way so leading) to pass and even to convey Prisoners through Towns or Lands not belonging to or under the Jurisdiction of the Province or Colony unto which the Sheriff, Under-Sheriff, Constables, or other Officers of Justice executing such Writ, Warrant or other Process belongs, and where the Writs or Warrants are returnable, but to the neighbouring Colony or Province; whereupon some Dispute, Difficulty or Inconvenience might arise, as well to the Prejudice of the publick Good, as to the Dammage of private Persons:*

For Remedy whereof:

Sheriffs, &c. of the Neighbouring Provinces allowed to pass and repass, in this Province, &c.

Be it enacted by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That the Sheriffs, Under-Sheriffs, Constables, or other Officers of Justice, of the neighbouring Provinces or Colonies, with their Assistants, in the Execution of any Writs, Warrants or other Process, issuing from and returnable to their respective Provinces or Colonies, may and shall have full Liberty Power and Authority, to pass and repass, and also to convey such Persons or Things as they have in their Custody by Virtue of any Writ or Warrant as aforesaid, in or by any of the Roads or Ways lying in or leading thro' any of the Towns or Lands of this Province, in as full and ample Manner as the Officers of Justice of this Province do use and exercise in the Discharge of their Duty and Office: And all Persons insulting or obstructing such Officers of Justice of the neighbouring Colonies or Provinces, in the due Execution of their Office, as they are passing thro' any of the Roads or Lands of this Province, shall be subject to the same Pains and Penalties, as is provided for the Protection of the proper Officers of Justice within this Province.

Penalty for obstructing them.

CHAP. III.

An Act in addition to the several Acts for the more safe keeping the Registry of Deeds, and Conveyances of Lands.

1 *G.* ca. 3.
7 *G.* ca. 7.

WHEREAS in an Act made and pass'd in the first Year of his present Majesty's Reign, Intitled An Act for the more safe keeping the Registry of Deeds and Conveyances of Lands *(which Act was temporary, but made perpetual by an other Act made in the seventh Year of his Majesty's Reign, Intitled, An Act in Addition to an Act Intitled,* An Act for the more safe keeping the Registry of Deeds and Conveyances of Lands) *it is among other Things enacted,* "That in Case "of Non-acceptance, Death or Removal of any Person elected to be Register "of Deeds, in any of the Counties of this Province, two or more of His "Majesty's

" Majesty's Justices within such County *(Quorum Unus)* be impowred to grant " out their Warrants directed to the Select-Men of the several Towns within " such County, ordering them forthwith to convene the Freeholders of the " respective Towns, and proceed to the Choice of some other meet Person, " the said Votes to be brought in as in the Election of County Treasurer". *Which is to the next Court of General Session of the Peace: By which Method a Vacancy may happen in the said Office for some Months, to the great Dammage and Risque as well of particular Persons, as of the County in general:*

For Remedy of which Inconvenience:

Warrants for chusing a Register of Deeds to be return'd to the Justices sitting them, in Case of the Death, &c of the Register.

Be it enacted by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That when any two or more of His Majesty's Justices of the Peace *(Quorum Unus)* within any of the respective Counties of this Province (living in or near the Shire Town) shall in Case of the Non-Acceptance, Death or Removal of any Person elected Register of Deeds for such County, grant out their Warrants, directed to the Select-Men of the several Towns within such County, ordering them forthwith to convene the Freeholders of their respective Towns, and proceed to the Choice of some other meet Person, as aforesaid: The said Justices shall make their Warrants returnable to themselves, at a certain Day, as soon as conveniently may be, ordering the said Select-Men to seal up the Votes for Register, and return them together with the said Warrants: And the abovesaid Justices shall at the same Time give out their Notifications to the other Justices of such County of their Proceedings herein, desiring them to meet upon the Day appointed for the Return of the said Warrants, at some certain Place in the Shire Town; and the major Part of the Justices of such County being met together on such Day, the said Votes for Register shall be opened and sorted in Presence of the said Justices, and the Person having the most Votes shall be Register of Deeds for such County, until the Time appointed by Law for the Election of Registers throughout this Province.

Clerk of the Pleas to receive Deeds, &c. in Case of a vacancy in the Register's Office.

And be it further enacted by the Authority aforesaid, That immediately upon a Vacancy in the Office of Register of Deeds in any County within this Province, the Clerk of the Inferiour Court of Common Pleas, being first sworn before two of His Majesty's Justices of the Peace *(Quorum Unus)* for the faithful Discharge of this Trust, shall take into his Custody the several Books wherein the Deeds and Conveyances of Lands are register'd, together with the Deeds and other Papers lying in the said Office, and that the said Clerk be and hereby is impower'd to receive the Deeds and other Instruments bro't to be registred, and he shall note upon them the Time of their being received, and the Record shall bear Date accordingly, for which he shall be allowed *six Pence* for each Deed, and no more: And upon the Appointment of a new Register as aforesaid, he shall deliver up the said Books, Deeds and Papers into his Hands: Any Law, Usage or Custom to the contrary notwithstanding.

The Clerk's Fee for receiving Deeds &c.

CHAP. IV.

An Act in further Addition to the several Acts or Laws of this Province, relating to the Office and Duty of a Coroner.

Preamble.

WHEREAS *by the aforesaid Acts, a Coroner is not impowred to constitute or appoint a Deputy or Deputies under him, to serve such Writs as he is enabled by Law to serve, so that by Reason thereof there may be a Failure or Delay of Justice:*

For Prevention whereof:

Coroners impowred to appoint Deputies for ſerving Writs, &c.

Be it enacted by the Lieutenant Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame, That from and after the Publication of this Act, it ſhall and may be lawful for the ſeveral Coroners within this Province to conſtitute and appoint one or more Deputies, for and within their reſpective Counties; and the Perſons ſo deputed and ſworn, are hereby authorized to ſerve and execute all ſuch Writs and Proceſs, as ſhall be directed to the Coroner, or his Deputy, wherein the Plaintiff, Defendant or Complainant ſhall be a Sheriff, Under-Sheriff or Deputy of any of the Counties within this Province: Any Law, Uſage or Cuſtom to the contrary notwithſtanding.

Acts and Laws,

Paſſed by the Great and General Court or Aſſembly of His Majeſty's Province of the *Maſſachuſetts-Bay* in *New-England*, Begun and Held at *Boſton*, upon Wedneſday the twenty-fifth Day of *May*, 1726.

CHAP. V.

An Act in addition to, and for rendring more effectual an Act made in the tenth Year of the Reign of King *William* the third, Intitled, *An Act for preventing of Treſpaſſes.*

10 *W.* ca. 3.

Preamble.

WHEREAS *the Act or Law already made for the preventing Treſpaſſes hath been found ineffectual for that Purpoſe, ſo that a further Proviſion is neceſſary to be made:*

Fines for cutting Trees, Timber, Under-wood, &c without Licence.

Be it therefore enacted by the Lieutenant Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame, That no Perſon or Perſons do or ſhall cut, fell, deſtroy or carry away any Trees, Timber, Wood, or Under-wood whatſoever, ſtanding, lying or growing on the Land of any others, or off or from the Commons of any Town, other than that to which he or they belong, or within the ſame Town, having no Right or Privilege there, without Leave or Licence from the major Part of the Propriety of ſuch Commons, or the Owner or Owners of the Land whereon ſuch Trees, Timber, Wood or Underwood was ſtanding, lying or growing; on Pain that every Perſon ſo cutting, felling, deſtroying or carrying away the ſame; or that ſhall be aiding or aſſiſting therein, ſhall for every ſuch Treſpaſs forfeit and pay to the Party or Parties injured or treſpaſſed upon, the Sum of *forty Shillings* for every Tree of one Foot over; and for all Trees of greater Dimenſions three Times the Value thereof, beſides *forty Shillings*, as aforeſaid, and *twenty Shillings* for every Tree or Pole under the Dimenſion of one Foot Diameter, and for other Wood or Under-wood, treble the Value thereof; which ſeveral Penalties, Forfeitures and Dammages, ſhall and may be recovered by Action, Bill, Plaint, or Information upon Conviction of the Treſpaſſer or Treſpaſſers, as is hereafter ſpecially provided and enacted, before any Juſtice of the Peace in the County where the Treſpaſs is committed; if the Penalty or Dammage exceed not *forty Shillings*, but if it be above that Value, then before the Court of Common Pleas in the ſame County.

Fine for throwing open Fences, Gates, &c.

And be it further enacted, That if any Perſon or Perſons ſhall throw or leave open any Bars, Gates, Fence or Fences, belonging to or incloſing any Lands held in Propriety or Common, or belonging to any particular Perſon or

or Perſons, within any Town in this Province, or that ſhall dig up or carry away any Stones, Oar, Gravel, Clay, Sand, Turf or Mould, Roots or Plants, belonging to the Proprietors of any common Lands, or to any particular Perſon or Perſons, as aforeſaid, ſhall for every ſuch Treſpaſs, upon Conviction thereof, as in and by this Act is hereafter provided, forfeit and pay treble Dammages, and alſo a Sum not exceeding *five Pounds* to the Party or Parties injured thereby, according to the Nature and Aggravation of the Treſpaſs; to be recovered in Manner, as aforeſaid. And for carrying away Stones, Oar, Gravel, &c.

And foraſmuch as it is very hard and difficult to detect and convict any Treſpaſſer or Treſpaſſers againſt this Act, in the ordinary Courſe and Method of the Law, by Reaſon the Treſpaſſes are generally committed where poſitive Evidences can ſcarcely ever be had: Preamble.

Be it therefore further enacted by the Authority aforeſaid, That in Caſe any Diſpute ariſe upon any Action, Bill, Plaint or Information brought, as aforeſaid, where the Plaintiff, Complainant or Informer ſhall charge the Defendant in Treſpaſs for cutting, felling, deſtroying or carrying away any particular Tree or Trees, parcels of Timber, Wood or Under-wood, or for throwing down or leaving open any Fence or Fences, Gates or Bars; or for digging up or carrying away any Stones, Oar, Gravel, Clay, Sand, Turff or Mould, Roots or Plants, off or from any ſuch Land, as aforeſaid, or of being aiding or aſſiſting therein: Then and in ſuch Caſe, if the Plaintiff, Complainant or Informer, or his Agent, or Attorney, ſhall make Oath *bona fide* that there hath been cut, fell'd, deſtroyed or carried away ſuch and ſo many Trees, parcels of Wood or Under-wood; or that any Fence or Fences, Gates or Bars have been thrown down or left open; or that any Stones, Oar, Gravel, Clay, Sand, Turff or Mould, Roots or Plants hath been dug up or carried away, as mentioned in the Writ; and that he ſuſpects the Defendant to have committed the ſaid Treſpaſs; and although the Plaintiff, Complainant or Informer, or his Agent or Attorney may not be able to produce any other Evidence thereof, than ſuch Circumſtances as render it highly probable in the Judgment of the Court or Juſtice, before whom the Trial is, then, and in every ſuch Caſe, unleſs the Defendant ſhall acquit himſelf upon Oath (to be adminiſtred to him by the Court or Juſtice that ſhall try the Cauſe,) the Plaintiff ſhall recover againſt the Defendant Dammages and Coſts; but if the Defendant ſhall acquit himſelf upon Oath as aforeſaid; the Court or Juſtice may and ſhall enter up Judgment for the Defendant to recover againſt the Plaintiff double his Coſts occaſioned by ſuch Proſecution. Manner of Conviction of the aforeſaid Crimes.

And whereas ſeveral ill-minded Perſons of late, as well in the Night Time as the Day, (being diſguiſed and painted) have pillaged and committed great Spoil in Cedar Swamps, and other Lands, and have laid open the Incloſures of particular Perſons, by pulling down or deſtroying the Fences about them, not only to the great Dammage of the Proprietors, or Perſons intereſted, but alſo to the Injury of the Publick: Preamble.

Be it therefore enacted by the Authority aforeſaid, That if any Perſon or Perſons having his or their Face or Faces blacked, painted or any Ways diſguiſed, ſhall either by Day or Night commit any of the Treſpaſſes aforeſaid, or ſhall beat and abuſe any of His Majeſty's good Subjects, and be thereof convicted by due Courſe of Law, ſuch Perſon ſo treſpaſſing ſhall over and above the Dammages aforementioned in this Act, be whip'd at the public whipping Poſt, not exceeding twenty Stripes, as the Nature of the Treſpaſs may require: Any Law, Uſage or Cuſtom to the contrary notwithſtanding. Puniſhment for Perſons diſguiſed or painted that commit Treſpaſſes.

Provided, That nothing in this Act ſhall be conſtrued ſo as to debar or hinder the Surveyors of High Ways of doing any Thing neceſſary and convenient in and about their Duty, as by Law impowred. Proviſo.

This Act to be in Force from the ſeventh Day of *Auguſt* next.

CHAP.

CHAP. VI.

An Act againſt Hawkers, Pedlars and Petty Chap-Men.

Preamble.

WHEREAS *Complaint has been made of great Hurt to, and Decay of Trade occaſion'd by Hawkers, Pedlars and petty Chap-Men paſſing to and fro through the Country to vend Goods, Wares, and Merchandizes* :

For Remedy of which Miſchief :

No Hawker, Pedlar, or petty Chap-Man to be allowed.

Be it enacted by the Lieutenant Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame, That from and after the Publication of this Act, no Hawker, Pedlar, petty Chap-Men, or other trading Perſon or Perſons going from Town to Town, or other Mens Houſes, and travelling either on Foot or with Horſe, Horſes, or otherwiſe, carrying to ſell or expoſing to Sale either in any Market, or in any Houſe in any Town or Village, whereof ſuch Perſon or Perſons is not an Inhabitant, any Wares, Goods or Merchandizes, ſhall be permitted or ſuffered within this Province, on Pain of forfeiting all ſuch Goods, Wares or Merchandize by him or them expoſed to Sale, or ſo conveyed or tranſported, as aforeſaid ; one Third thereof to His Majeſty to and for the Uſe and Support of the Government of this His Majeſty's Province, one Third thereof for the Uſe of the Poor of ſuch Town where the Offence is committed, the other Third to him or them that ſhall inform againſt and proſecute ſuch Offender or Offenders for the ſame, to be recovered by Bill, Plaint or Information in any of His Majeſty's Courts of Record within this Province, and ſhall further incur the Penalty of *twenty Pounds*, to be recovered in Manner, as aforeſaid, for the Uſes aforeſaid.

Goods to be forfeited.

Juſtice of the Peace to ſummon Hawkers &c. before him, and bind them over.

And be it further enacted by the Authority aforeſaid, That it ſhall be in the Power of any of His Majeſty's Juſtices of the Peace upon View, Complaint or Information to him made of any ſuch Breach or Offence, to ſummon before him, and bind over ſuch Offender or Offenders to the next Court of General Seſſions of the Peace in the County where ſuch Offence ſhall be committed ; and for want of ſufficient Security to commit ſuch Offender or Offenders to the common Goal of the County, to anſwer to the Complaint that ſhall then and there be exhibited againſt him for them, and alſo to ſecure all ſuch Goods, Wares and Merchandize until the Trial.

Taverners &c. not to give Entertainment to them.

Penalty.

And all Taverners, Ale-Houſe Keepers, common Victuallers and Retailers, are hereby ſtrictly forbidden to receive, or give any Entertainment to any Hawker, Pedlar or petty Chap-Man, or other trading Perſon, as aforeſaid, on the Penalty of *twenty Shillings* for each Offence, to be diſpoſed of in Manner, as aforeſaid.

Officers to ſee this Act put in Execution.

And all Juſtices, Sheriffs, Under-Sheriffs, Grand-Jurors, Conſtables, Tything-Men, and all other Officers, are hereby ſtrictly enjoined and required, to exert their utmoſt Vigour and Power to ſee that this Law be duly put in Execution.

CHAP. VII.

An Act to prevent Perſons from riding with naked Scyths.

Preamble.

WHEREAS *divers Perſons going to and returning from their Labour, do frequently ride with naked Scyths on high Ways, or through Lanes and Allies, which may prove hurtful to themſelves and others* :

For Prevention whereof :

Be

Be it enacted by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That if any Person or Persons from and after the Publication of this Act shall ride with a naked Scyth on the High Ways, or through any Lanes or Alleys; such Person or Persons shall forfeit and pay for every Breach of this Act, upon Conviction thereof before any of His Majesty's Justices of the Peace, the Sum of *ten Shillings*; one Half thereof to the Poor of the Town where such Offence is committed, and the other Half to the Informer that shall prosecute or sue for the same.

No Person to ride with naked Scyths on the High-Ways, &c.

CHAP. VIII.

An Act for the restraining and better regulating Appeals from the Court of General Sessions of the Peace, and Inferiour Court of Common Pleas, within the Island of *Nantuckett.*

WHEREAS *by the Act for establishing a Superiour Court of Judicature Court of Assize and General Goal Delivery within this Province*; *It is provided*, "That the Trial of all Matters and Causes by Appeal from the "Court of General Sessions of the Peace, or Inferiour Court of Common "Pleas respectively within the said Island of *Nantuckett*, or by Writ "of Error relating to any Judgment given in the said Inferiour Court, "shall be in the Superiour Court of Judicature Court of Assize and General "Goal Delivery, to be held within the Counties of *Suffolk* or *Middlesex.*" *And whereas there are two Superiour Courts of Judicature Courts of Assize and General Goal Delivery, held in each of the said Counties of* Suffolk *and* Middlesex *in a Year*; *one whereof is held at* Charlstown *for the said County of* Middlesex *on the last Tuesday of* January, *and the other at* Boston *for the County of* Suffolk *on the second Tuesday of* February: *And all Appeals and other Matters to be brought forward from the Inferiour Court of Common Pleas and Court of General Sessions of the Peace held in the Month of* October *at the said Island of* Nantuckett, *lye to one of the said Superiour Courts in* January *or* February, *as aforesaid, which hath been found to be very inconvenient*; *for that oftentimes by Reason of the severity of the Weather at that Season, it is very difficult and sometimes impossible for the Parties and others concerned to come to either of the said Superiour Courts, by Means whereof such Persons may loose the Benefit of their Appeals, or other Matters that may be there depending:*

Preamble.

Wherefore for the Ease and Benefit of the Inhabitants of the said Island of *Nantuckett:*

Be it enacted by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That the Trial of all Matters and Causes by Appeal from the Court of General Sessions of the Peace and Inferiour Court of Common Pleas respectively within the said Island of *Nantuckett*, or by Writ of Error relating to any Judgment given in such Inferiour Court, shall from henceforth be in the Superiour Court of Judicature Court of Assize and General Goal Delivery to be held at *Boston* within and for the County of *Suffolk* on the second Tuesday of *August*: Any Law, Usage or Custom to the contrary notwithstanding.

Appeals from *Nantucket* to *Boston.*

Acts and Laws,

Paſſed by the Great and General Court or Aſſembly of His Majeſty's Province of the *Maſſachuſetts-Bay* in *New-England*, Begun and Held at *Boſton*, upon Wedneſday the twenty-fifth Day of *May*, 1726. And continued by ſeveral Prorogations unto Wedneſday the twenty-third Day of *November* following, and then met.

CHAP. I.

An Act in Addition to an Act for regulating Ferries.

Preamble.

WHEREAS ſundry Perſons of late, notwithſtanding the Proviſion already made by Law, do preſume to tranſport Paſſengers over and a-croſs the ſeveral ſtated Ferries within this Province, having no Right or Authority ſo to do, in prejudice of thoſe who are aſſign'd and authorized to that Service, and therefore juſtly Intitled to the ſole Benefit of the ſaid Ferries:

For Prevention whereof:

Penalty for Perſons not authorized that tranſport Paſſengers a-croſs any Ferry for Money.

Liable to pay Dammages to thoſe that keep the Ferry.

Be it enacted by the Lieutenant Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame, That if any Perſon or Perſons ſhall from henceforth preſume to keep a Ferry, or tranſport Paſſengers over or a-croſs any ſtated Ferry within this Province, ſo as to demand or receive Pay, having no Right or Authority ſo to do; ſhall for every ſuch Offence pay a Fine of *twenty Shillings*: The one Half to His Majeſty, for and towards the Support of this Government, the other Half to him or them that ſhall inform and ſue for the ſame before one of His Majeſty's Juſtices of the Peace, or at the Court of General Seſſions of the Peace in ſuch County where the Offence may be committed; and be further liable to pay ſuch Dammages as may or ſhall accrue to the Perſon or Perſons aſſigned and authorized to keep any ſuch ſtated Ferry or Ferries.

CHAP. II.

An Act in addition to an Act Intitled, *An Act to enable Towns, Villages and Proprietors in Common and Undivided Lands* &c. *to ſue and be ſued,* made in the ſixth Year of the Reign of King *William* and Queen *Mary*.

6 W. & M. ca. 5.

Preamble.

WHEREAS *in and by the ſaid Act*, "All Perſons, Towns, Villages, "Precincts, Truſtees for Schools, and Proprietors in Common and "Undivided Lands, Grants and other Eſtates or Intereſts whatſoever are im-"powred to ſue, commence and proſecute any Suits or Actions in any Court "proper to try the ſame, and in like Manner to defend all ſuch Suits and "Actions as ſhall be commenced againſt them, or any of them, *&c.*" *And whereas by the ſaid Act, there is no Proviſion made for the enabling any ſuch Proprietors to raiſe Money for the carrying on or defending ſuch Actions, or for any other publick Uſe in ſuch Propriety; for want whereof many ſuch Proprietors ſuffer great Loſs and Dammage in their Proprieties, and loſe the Benefit of the ſaid Law: And whereas the Time of fourteen Days for the ſerving of Writs before the Day of the Sitting of the Court hath by Experience been found too ſhort a Time in ſuch Actions and Suits as are brought againſt any ſuch Towns, Precincts, Villages and Proprietors, as aforeſaid:*

For

For the Remedying whereof, and the enabling Proprietors in Common and Undivided Lands to raiſe Moneys for the carrying on and proſecuting or defending any ſuch Actions or Suits; or for managing any other publick Affairs in ſuch Proprieties:

Be it enacted by the Lieutenant Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame, That it ſhall and may be lawful to and for the Proprietors of any common and undivided Lands, or the major Part of them according to the Intereſts preſent, by themſelves, or their lawful Attornies, at any Proprietors Meeting that ſhall hereafter meet upon legal warning, to order the raiſing of any ſuitable Sum or Sums of Money that ſhall by them be thought ſufficient to carry on and proſecute or defend any Actions or Suits that may be brought by or againſt them, or for the carrying on or managing any other publick Affairs relating to ſuch Proprieties, and to appoint a ſuitable Number of Perſons belonging to ſuch Propriety, to proportion ſuch Sum or Sums as ſhall be thought neceſſary to be raiſed for the Ends and Uſes aforeſaid, upon the Proprietors of ſuch common and undivided Lands, according to their ſeveral Intereſts therein; and to appoint a Collector or Collectors to gather in and collect the ſame; which Collector or Collectors ſhall be, and hereby are fully authorized and impowred to levy and collect the Sum or Sums ſet and apportioned for ſuch Proprietors to pay, in the ſame Manner as Conſtables of Towns within this Province are impowred to levy and collect the publick Rates or Taxes, and to pay in the ſame to the Proprietors, or their Clerk (who is hereby impowred to grant Warrants for levying and collecting ſuch Aſſeſsment) at ſuch Time as ſhall be by them appointed for Payment thereof; and ſuch Clerk ſhall be accountable to the Proprietors therefor; the Perſon or Perſons ſo aſſeſſing the ſaid Proprietors, and the Collector or Collectors that ſhall be appointed for the gathering and collecting the Sum or Sums granted and agreed upon by the ſaid Proprietors to be aſſeſſed and collected as aforeſaid, ſhall be under Oath for the true and faithful Performance of their Services reſpectively; which Oath ſhall be adminiſtred to them, as the Law provides for ſwearing Town Officers.

Proprietors of common Lands impowred to raiſe Money.

To be collected in the ſame Manner as the Province Tax.

Aſſeſſors to be under Oath.

And be it further enacted by the Authority aforeſaid, That when it ſhall happen Suit ſhall be brought againſt any Towns, Precincts or Villages, or againſt the Proprietors of any common or undivided Lands, the Plaintiff bringing forward ſuch Suit ſhall cauſe the Clerk of ſuch Towns, Villages, Precincts or Proprietors, or one or more of their principal Inhabitants or Proprietors, to be ſerved with a Copy of the Writ or Summons at leaſt thirty Days before the Day of the Sitting of the Court, to which the ſame ſhall be returnable: Any Law, Uſage or Cuſtom to the contrary notwithſtanding.

Writs to be ſerved on Towns, Proprietors, &c. 30 Days before the Court.

Acts and Laws,

Paſſed by the Great and General Court or Aſſembly of His Majeſty's Province of the *Maſſachuſetts-Bay* in *New-England*, Begun and Held at *Boſton*, upon Wedneſday the thirty-firſt Day of *May*, 1727.

CHAP. III.

An Act to diſable the ſeveral Judges for the Probate of Wills and granting Adminiſtration in the reſpective Counties of this Province from ſitting as Judges in Civil Actions, depending on, or relating to any Sentence or Decree, by them made in their Office aforeſaid.

WHEREAS ſeveral of the Judges of the Probate of Wills, and for granting Adminiſtration on Inteſtate Eſtates within this Province, are, or may be Juſtices either of the Superiour Court of Judicature, or of the Inferiour Court of Common Pleas; before whom oftentimes Actions are brought and determined, Preamble.

that depend upon, or relate to the Decree or Sentence of such Judges of Probate: And it being inconvenient that such Judge of Probate should have a Voice in judging or determining such Cases:

No Judge of Probate to be Judge or Attorney in an other Court in any Cause wherein he has pass'd a Decree.

Be it enacted by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That from and after the Publication of this Act, no Judge for the Probate of Wills, and granting Administration on intestate Estates within this Province, shall be allowed or admitted to have a Voice in judging or determining, (nor shall he be admitted to plead, or act as an Attorney) in any civil Action whatsoever, which may depend on, or have Relation to any Sentence or Decree made or pass'd by him in his Office aforesaid: Any Law, Usage or Custom to the contrary notwithstanding.

CHAP. IV.

2 *A.* ca. 5.

An Act in addition to the Act Intitled, *An Act relating to Executors and Administrators.*

Preamble.

WHEREAS *in and by an Act made in the second Year of the late Queen* Anne, *Intitled,* An Act relating to Executors and Administrators, (*among other Things,*) **It is enacted,** "That any Executor being a residuary "Legatary may bring his Action of Account against his Co-Executor or Exe- "cutors of the Estate of the Testator in their Hands, and may also sue for "and recover his equal and rateable Part thereof; and any other residuary "Legatary shall have like Remedy against the Executors:" *And whereas it often happens that such Executor or Executors move or dwell out of the Province, and leave the Estate of the Testator in the Hands and under the Management of their Agent or Attorney, whereby the Co-Executor and residuary Legatee lose the Benefit of the said Act; by Reason of which manifest Wrong is done:*

For Remedy whereof:

Agent of Executors out of the Province liable to Suits, &c.

Be it enacted by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That every Agent or Attorney of any Executor or Executors removed or dwelling out of this Province, shall be liable and subject to every Action and Demand by the Co-Executor or Executors or residuary Legatee, or any other Person, so far as said Agent or Attorney shall have received of the Estate of the Deceased into his own Hands.

Proviso.

Provided always, That the Action be brought within one Year from the Time of the Agents or Attornies receiving such Effects, and not after: Any Law, Usage or Custom to the contrary notwithstanding.

CHAP.

CHAP. V.

An Act to enable Guardians to join in the Partition of Lands, or other real Estate wherein Minors are concerned.

Preamble.

WHEREAS *the Partition of Lands, or other real Estate among the Persons concerned, tho' much desired and of great Advantage, is often hinder'd and delay'd by Reason of Infants or Persons under Age being interested in such Estate, to the Dammage as well of the Infants, as others therein concern'd:*

For Remedy whereof:

Guardians impower'd to join in the Partition of Lands, &c.

Be it enacted the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That it shall be in the Power of the Guardian or Guardians of any Infants concerned in any real Estate that is common or undivided, upon Application made to, and Leave had from the Superiour Court of Judicature holden for, and within the respective Counties of this Province, where such Lands or real Estate lie, either by such Guardian or Guardians, or the other Partners interested, to join in and make Partition of such real Estate, as aforesaid, to and among them: *Provided*, such Partition or Division be made upon Oath by five Freeholders (or the major Part of them) to be appointed by the Justices of the said Superiour Court, and a Return of such Partition to be made to the Clerk's Office of the said Court, and there to be recorded; which Partition or Division made in Manner, as aforesaid, shall be valid and effectual to all Intents and Purposes in the Law: Any Custom, Usage or Law to the contrary notwithstanding.

CHAP. VI.

An Act to enable Executors and Administrators to prosecute or defend any Suits that are depending, or hereafter shall depend upon Appeal, wherein the Testator or Intestate was or shall be Appellant or Appellee.

Preamble.

WHEREAS *it often happens that after Causes have been heard and tried at the Inferiour Courts of Common Pleas within the several Counties of this Province, the Party who is dissatisfied with the Judgment given, doth appeal therefrom to the next Superiour Court of Judicature to be holden within and for the same County, where the Action has been first tried: And many Times it comes to pass that either the Appellant or the Appellee dies before the Sitting of the Superiour Court appealed to; by Reason whereof the Great and General Assembly of this Province are often troubled with the hearing of Petitions from the Executors or Administrators, or the surviving Party, and spend much of their Time in passing Resolves for their having Liberty to begin their Suit a new, or for other Relief as the Matter may require; and by Means of the Death of either Party, pending the Appeal, the Creditor for a long Time hath been kept out of his just Dues, and the Proprietors of Houses and Lands kept out of Possession thereof, for want of a more speedy Remedy in the Law in such Cases:*

Be it therefore enacted by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That in Case of the Death of any Party, either the

Executors & Adminiſtrators impower'd to proſecute and defend Actions commenced before their being in ſuch Capacity.

Appellant or the Appellee, before the Sitting of the Superiour Court appeal'd to, the Executor or Executors, Adminiſtrator or Adminiſtrators of ſuch deceaſed Party, who was Appellant or Appellee ſhall have full Power to proſecute or defend any ſuch Suit or Action (as ſhall be depending at the Death of the Teſtator or Inteſtate) from Court to Court until definitive Judgment: And the Juſtices of the Superiour Court before whom ſuch Caſes are triable, are hereby directed and impower'd to hear and determine all ſuch Caſes, proceed to Judgment and award Execution accordingly: And when it ſhall ſo happen that either the Appellant or the Appellee be taken away by Death, ſooner than the Time of the Sitting of the Court appeal'd to, ſo that the Executor or Adminiſtrator of the deceaſed hath not ſuitable Time to prepare for managing the Cauſe depending, or to become duly qualified to proſecute or defend the ſame: In ſuch Caſe it ſhall and may be lawful for the Juſtices before whom the Cauſe is to be heard and tried, to ſuſpend the hearing and trying of every ſuch Cauſe until the next Term after.

Court's Power to grant Imparlances, &c.

Judgment to be made up againſt the Eſtate of the deceaſed, &c.

And be it further enacted by the Authority aforeſaid, That if by the Verdict of a Jury, Default, or neglect of proſecuting ſuch Appeal, or otherwiſe, Judgment paſs againſt the Executor or Adminiſtrator of any Perſon deceaſed, the Juſtices of the Superiour or Inferiour Courts reſpectively, are hereby authorized and directed to make up Judgment againſt the Eſtate of the deceaſed in their Hands, and under the Adminiſtration of the Executor or Adminiſtrator, as it ſhould have been in Caſe the Suit had been originally commenced by or againſt ſuch Executor or Adminiſtrator in that Capacity: Any Law, Uſage or Cuſtom to the contrary notwithſtanding.

CHAP. VII.

An Act in further Addition to, and for rendring more effectual an Act made in the tenth Year of the Reign of King *William*, the third, Intitled, *An Act for preventing of Treſpaſſes.*

Preamble.

WHEREAS in the Act made in the twelfth Year of His preſent Majeſty's Reign, Intitled, An Act in Addition to, and for rendring more effectual an Act made in the tenth Year of the Reign of King *William* the third, Intitled, *An Act for preventing of Treſpaſſes; good Proviſion is made to prevent cutting, felling or deſtroying of Trees, Timber, Wood, Under-wood, breaking Fences, digging Oar, Clay,* &c. *But no Proviſion is therein made againſt cutting and deſtroying of Graſs and Sedge growing on the common Lands of any Town or Proprietors, or deſtroying and carrying away any Hay lying on the ſame, nor againſt taking away from any Wharff, or publick landing Place any Poſts, Rails, Plank, Boards, Slit-work, Cooper-Stuff, Shingles, Wood or Timber:*

Treſpaſs in cutting or carrying away Graſs, Hay or Corn.

Be it therefore enacted by the Lieutenant Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame, That if any Perſon or Perſons after the Publication of this Act, ſhall preſume to cut or carry away any Sedge, Graſs, Hay or Corn, ſtanding, lying or being on any Land belonging to any Town, Proprietors, or particular Perſons, where he or they ſo cutting or carrying away have no Right; or ſhall take away from any Wharff or common Landing Place, any Poſts, Rails, Plank, Boards, Slit-work, Cooper-Stuff, Shingles, Wood or Timber, or any other Lumber or Goods, which he or they have no Right to take, ſhall for every ſuch Treſpaſs forfeit and pay the Party or Parties ſo treſpaſs'd upon tre-

Or Poſts, Rails & other Lumber or Goods.

Penalty.

ble

ble Dammages; to be sued for and recovered in any Court proper to try the same, after the same Manner of Conviction, and by the same Rules and Methods as is directed in and by the aforesaid *additional Act for preventing Trespasses*; unless such Person or Persons have first obtained Leave or Licence from the major Part of such Town or Proprietors at a Meeting orderly warn'd and assembled for that Purpose, or from any particular Person or Persons who are in Possession of such Lands or Wharffs.

Provided nevertheless, That this Act or any Clause therein shall not be understood or construed so as to bar or hinder any Town Proprietors or particular Persons from prosecuting any other Person or Persons for Theft, who shall carry away any Hay or Corn sever'd from the Freehold, or such as shall take from any Wharff or common landing Place, any Posts, Rails, Plank, Boards, Slit-Work, Cooper-Stuff, Shingles, Wood or Timber, or other Lumber or Goods, which he or they have no Right to take; but that in such Case any Town Proprietors or particular Persons may proceed in such Manner as if this Law had not been made: Any Law, Usage or Custom to the contrary notwithstanding. Proviso that Prosecution for Theft be not hereof bar'd.

CHAP. VIII.

An Act to enable Proprietors of Common and Undivided Lands to make Orders and annex Penalties thereon, for the better regulating and managing their Proprieties.

Preamble. WHEREAS *it so happens that in some Towns or Proprieties within this Province, there are some parcels of Upland, Sedge-Ground or Meadow-Ground, which lie under such Circumstances as render a Division of the same very difficult and disadvantageous; which notwithstanding would be of considerable Use and Benefit to the Owners, if the same could be improved under due Regulations: But there being no Law of this Province to enable Proprietors to make Orders and annex Penalties to prevent Disorder, evil-minded Persons take such Measure as sometimes render the regular and orderly Improvement of such Lands very difficult, if not impossible;*

Proprietors of Common Lands impower'd to make Orders and annex Penalties. **Be it therefore enacted by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same,** That Proprietors of common and undivided Lands at a Meeting warn'd as the Law directs and assembled, shall and may have Power by a major Vote of the Persons then assembled, (said Votes to be collected according to each ones Interest) to make and pass such Orders for fencing, improving and timing the Improvement of such undivided Lands or Meadows as by them shall be thought proper and convenient, and to annex Penalties on the Breach and Non-observance of such Orders, provided such Penalty doth not exceed *fifteen Shillings* for one Offence; provided also that such Order so made be allowed and approved of by the Court of General Sessions of the Peace for the County where the Land lies, and is not repugnant to the general Laws of the Province, that then such Order or Orders shall have such Force and Effect, as that such Proprietors thereupon by their Treasurer, Agent or Agents may recover the Penalty thereto annex'd against the Breakers or Non-observers thereof, in any Court proper to try the same; such Penalty to be disposed of as the Proprietors shall order or direct: Any Law, Usage or Custom to the contrary notwithstanding. Proviso.

CHAP.

CHAP. IX.

An Act for the rendring more effectual the Act Intitled, *An Act to prevent Nuſances by Hedges, Weares, and other Incumbrances, obſtructing the Paſſage of Fiſh in Rivers.*

Preamble.

WHEREAS in and by an Act made and paſs'd in the eighth Year of the Reign of Queen Anne, *Intitled*, An Act to prevent Nuſances by Hedges, Weares, and other Incumbrances, obſtructing the Paſſage of Fiſh in Rivers; *all ſuch Incumbrances in the Rivers are diſallowed and forbidden without the Approbation of the Courts of General Seſſions of the Peace in the reſpective Counties, and ordered to be demoliſhed and pulled down, but no Penalty is provided in the ſaid Act:*

Wherefore, for the more effectual preventing ſuch Nuſances;

Penalty for making Wears, &c. to obſtruct the Paſſage of Fiſh.

Be it enacted by the Lieutenant Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame, That whoſoever after the Publication of this Act, ſhall ſet up, erect, or make any Weares, Hedges, Fiſh Garths, Stakes, Kiddles, or other Incumbrances whatſoever on or a-croſs any River for ſtraitning, obſtructing or ſtopping the natural, uſual or common Paſſage of the Fiſh, in the Spring, or other proper Seaſons of the Year, without the Approbation of the Court of General Seſſions of the Peace, ſhall for every ſuch Offence forfeit and pay the Sum of *ten Pounds*, to be ſued for and recovered by Plaint, Bill, or Information, in any of His Majeſty's Courts of Record within the County, where the Offence is committed; one Half thereof to be to him that ſhall inform and ſue for the ſame, and the other Half to the Poor of the Town or Towns, where ſuch Incumbrances have been made or ſet up.

An Act,

Paſſed by the Great and General Court or Aſſembly of His Majeſty's Province of the *Maſſachuſetts-Bay* in *New-England*, Begun and Held at *Boſton*, upon Wedneſday the thirty-firſt Day of *May*, 1727. And continued by ſeveral Adjournments unto Wedneſday the fourth Day of *October* following.

CHAP. I.

An Act to prevent Coparceners, Joint Tenants and Tenants in Common, from committing Strip and Waſte upon the Lands by them held in Common and Undivided.

Preamble.

WHEREAS it often happens that Perſons having an Intereſt or Share in Lots of Land not ſubdivided to and among the intereſted, do privately and without the Knowledge of the reſt, enter into and upon the ſame, cut down or carry away the Trees for Timber and other valuable Trees, or Wood, or make other Strip and Waſte thereon, whereby the reſt of the Partners or intereſted are ſtrip'd of their juſt Rights and Shares thereof:

For Prevention of the ſame for the future:

Be it enacted by the Lieutenant Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame, That from and after the Publication of this Act, no Perſon or Perſons

Persons whatsoever, having a Right or Interest in any Lot or Lots of Land not subdivided, but lying in Common, shall or may fell, cut down, destroy or carry away any Trees for Timber, or other Trees, Timber, Wood or Underwood whatsoever, standing, growing or lying on such Lands, or make any other Strip or Waste whatsoever, without first giving Notice in writing under his or their Hands, unto all the Persons interested therein, or to his or their Agents, Factors or Attorneys, forty Days before Hand, setting forth, that he or they have Occasion for, and shall enter upon and improve such Lot or Lots of Land not subdivided as aforesaid, under the like Penalties and Forfeitures as are provided by an Act Intitled, *An Act in addition to and for rendring more effectual, An Act made in the tenth Year of the Reign of King* William *the third, Intitled, An Act for preventing of Trespasses*, to be recovered before any one of His Majesty's Justices of the Peace, or in any of HisMajesty's Courts of Record within the County where such Offence shall be committed, (as the Value of the Damage may be) by Action, Bill, Plaint or Information to be brought and prosecuted by any one or more of the Persons interested, in the Name and Behalf of the rest (who are hereby authorized and impower'd so to do) oneMoiety of the aforesaid Penalties and Forfeitures to be to and for the Use of such Person or Persons, who shall inform and sue for the same, and the other Moiety to and for the Use and Benefit of the rest of the Proprietors or Persons interested as aforesaid.

Coparceners, joint Tenants and Tenants in common, not to make Strip, &c. without giving Notice &c.

Penalty.

10 *W.* ca. 5.

And whereas upon Suits brought for the Partition of Lands, Tenements or Hereditaments held in Common as aforesaid, the Party or Parties against whom such Suits are brought (who oftentimes have but a small Interest therein) before a final Judgment can be obtained, and a Division made of the same according to Law, do frequently cut down, destroy and carry away considerable Quantities of the Wood, Timber and Trees growing on such Land, and do otherwise hurt and damnify the same Lands, Tenements and Hereditaments, to the great Prejudice of the rest of the Owners thereof (especially where they are Wood Lands) who are without any Remedy at the Common Law:

Preamble.

Be it therefore enacted by the Authority aforesaid, That when a Writ shall be brought and served at the Suit of any one or more Persons interested in any Lot or Lots of Land, Tenements or Hereditaments held in common or undivided for a Division and Partition of the same, no Person or Persons whatsoever having a Right to or Interest in any suchLands, Tenements or Hereditaments, or holding any Part or Share of the same in common as aforesaid (whilst such Suit is depending) shall or may fell, cut down, destroy or carry away any Trees, Timber, Wood or Underwood whatsoever, standing, growing or lying on such Lands, or shall otherwise hurt or damnify any such Lands, Tenements or Hereditaments, until Partition can be made of the same according to Law, on Pain that every Person or Persons so offending shall incur the like Forfeitures and Penalties provided in the aforesaid Act, Intitled, *An Act in addition to, and for rendring more effectual an Act made in the tenth Year of the Reign of King* William *the Third, Intitled An Act for preventing of Trespasses*; to be recovered by the Person or Persons informing or suing for the same, in Manner as aforesaid, to and for such Uses as are before mention'd and declared.

No Person to make Strip whilst Suit for Partition is depending.

Penalty.

Provided always, That the Person or Persons bringing forward such Writ shall prosecute the same to Effect, and after obtaining Judgment, shall cause Execution to be served for Partition of such Estate, as soon as the Law will admit thereof, and it may conveniently be done.

Writ of Partition to be prosecuted to Effect.

And be it further enacted by the Authority aforesaid, That in all Offences against this Act, the Offender or Offenders shall be liable to a Conviction, in the sameManner as is already provided in the Act before mentioned.

Manner of Conviction.

Acts and Laws,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and Held at *Boston*, upon Wednesday the twenty-second Day of *November*, 1727.

CHAP. I.

5 *W.* & *M.* ca. 10.

An Act in addition to an Act, Intitled, *An Act for High Ways.*

Preamble.

WHEREAS in and by an Act made and pass'd in the fifth Year of the Reign of King William *and Queen* Mary, *Intitled*, An Act for High Ways, *Provision is made to impower the Select-Men of each Town respectively, either by themselves or others, to lay out particular or private Ways for such Town only, as may be thought necessary: But no Provision is made what Methods shall be taken in order to bring them to Record; so that there seems to be apparent Danger of such Ways being laid out and committed to Record without the Knowlege of the Town or Towns respectively; which hath and may prove of very ill Consequence:*

For Remedy whereof:

Notice to be given the Towns of private Ways in *March* Meeting.

Be it enacted by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That when and so often as the Select-Men, or any by their Order for the future, shall lay out any private or particular Way or Ways in and for any Town or Towns within this Province, such Select-Men shall make Report to the Town in which such Ways are laid out, at their annual Town Meeting in *March*; Notice of which Report shall be inserted in the Warrant for calling such Meeting, and no such Way or Ways shall be esteem'd establish'd private Ways for such Town, nor committed to Record, unless such Town at a Town Meeting warned as aforesaid, shall by a major Vote allow and approve thereof.

All private Ways to be allowed by the Town.

And be it further enacted by the Authority aforesaid, That it shall be in the Power of any Town or Towns within this Province at a legal Town Meeting, to alter or discontinue any particular or private Way or Ways within their respective Towns, which have been heretofore laid out and improved as such, when it shall appear to such Town or Towns that they are unnecessary for the common Good: And all such particular or private Ways after so ordered by the major Vote of such Town or Towns respectively, to be discontinued or alter'd, shall no longer be esteem'd as particular or private Ways for such Town or Towns.

Private Ways may be altered by the Town.

Saving a Liberty of Appeal.

Saving always to any Person or Persons who shall be aggrieved or damnified by the altering, discontinuing or laying out of any such Way or Ways as aforesaid, a Liberty of applying for Remedy to the Justices of the General Sessions of the Peace within the County where such Alterations or layings out are made; who are hereby impowred and directed to inquire into, and determine the Matter by a Jury thereunto appointed, as well with Respect to the Necessity and Convenience by such Discontinuance, laying out or Alteration as aforesaid, as to the Dammage that may happen or accrue to any particular Person or Persons thereby, and thereupon to award Dammages to the Party or Parties injured, against such Town; unless it appears that such particular Person or Persons have no just Cause of Complaint; that then such particular Person or Persons shall pay all such Cost and Charge as shall or may arise by any such Application to the Sessions.

Application to be made within a Year.

Provided such Application be made to such Justices at their General Sessions of the Peace, within twelve Months after such Ways are altered or discontinued as aforesaid, and not otherwise: Any Law, Usage or Custom to the contrary notwithstanding.

CHAP.

CHAP. II.

An Act for the more ſafe and eaſy Proſecuting Writs of Treſpaſs and Ejectment.

WHEREAS ſometimes the Defendants in Actions of Treſpaſs and Ejectment are arreſted, and held to great and exceſſive Bail, where no juſt Cauſe can be for it; and ſometimes the Plaintiffs have their Writs abated, and the Tryal of their Right unreaſonably delayed, under Pretence that all the Tenants are not ſued: Preamble.

For Prevention whereof:

Be it enacted by the Lieutenant Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame, That whenſoever any Perſon ſhall be arreſted upon a Writ of Treſpaſs and Ejectment, the Defendants own Bond and no other, ſhall be required for his Appearance to anſwer the ſame. In Writs of Treſpaſs and Ejectment only the Defendants Bond to be required.

And whenever any Perſon or Perſons ſhall be ſued in Ejectment for any Lands, Tenements or Hereditaments, they ſhall be holden to anſwer for ſo much or ſuch Part of the Premiſſes demanded as they then hold, or are in Poſſeſſion of; which they ſhall diſtinguiſh and ſet forth by their Plea, and diſclaim in the reſt: And if any of them diſclaims in the whole, and the Plaintiff cannot prove his the Defendant's Poſſeſſion of the Premiſſes, or any Part thereof, he ſhall recover his Coſts: Any Law, Uſage or Cuſtom to the contrary hereof in any wiſe notwithſtanding. Defendants to anſwer for no more than they are in Poſſeſſion.

CHAP. III.

An Act in further addition to the ſeveral Acts relating to Treſpaſſes.

WHEREAS the ſeveral Acts or Laws already made for the preventing of Treſpaſſes have been found ineffectual for that Purpoſe in ſome Caſes, ſo that a further Proviſion is neceſſary to be made: Preamble.

Be it therefore enacted by the Lieutenant Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame, That no Perſon or Perſons do or ſhall preſume to take up, break down or damnify any Dam or Dams, made uſe of for the incloſing of Water improved for the Benefit of any Mill or Mills, flowing or drowning of Swamp or other Lands or Meadows, or let out the Water ſo incloſed, or obſtruct, hinder or ſtop the natural and uſual Courſe of any Stream of Water running from any Pond uſed and improved for the ſupplying any Mill or Mills with Water; either by ſtopping or ſhutting down the Sluce of ſuch Dam, or by wilfully erecting, ſetting up or making any Dam, or other Incumbrance a-croſs any Stream or Run of Water (having no Right or Privilege ſo to do) belonging to any other Perſon or Perſons, and where he or they have a lawful Right between his or their Pond and Mill, or ſhall cut down, burn, damnify, carry away or deſtroy any Mill or Frame of a Mill, Floom, or any of the Timber, Boards or Implements uſed in and about the ſame, or ſhall pull down, cut, deſtroy, or any Ways damnify any Edifice, Building or Houſe not inhabited, Frame or Timber of any ſuch Building, Cellar or Well, being the Property, or in the Poſſeſſion of any other Perſon or Perſons; on pain that every Perſon or Perſons offending againſt this Act, or any Part thereof, or that ſhall be aiding or aſſiſting therein, ſhall for every ſuch Offence or Treſpaſs forfeit and pay to the Party or Parties ſo injured or treſpaſſed upon, treble the Value of all ſuch Dammages as ſuch Party or Parties ſhall make appear to the Juſtice or Court and Jury, before whom No Perſons to damnify any Mill-Dam, Mill-Pond, Frames, Cellars, &c. Penalty.

Manner of Conviction.

the Trial shall be, that he or they have sustained by any Breach of this Act, to be sued for and recovered in any Court proper to try the same, after the same Manner of Conviction, and by the same Rules and Methods as is directed and provided in and by an Act Intitled, *An Act in addition to and for rendring more effectual an Act made in the tenth Year of the Reign of King* William *the third*, Intitled, *An Act for preventing of Trespasses*, made in the twelfth Year of the Reign of his late Majesty King *George*: Any Law, Usage or Custom to the contrary notwithstanding.

12 *G.* ca. 5.

CHAP. IV.

An Act in addition to an Act Intitled, *An Act for enlarging the Fees of Grand Jurors.*

Preamble.

WHEREAS the stated Allowance for a Grand Juror according to an Act made and passed in the sixth Year of His late Majesty King George *the first, Intitled* An Act for enlarging the Fees of Grand Jurors, *is but* three Shillings *per Diem, which is so small that the same will not defrey his necessary Charges and Expences in travelling to, and Attendance at Court:*

Allowance for Grand Jurors.

Be it therefore enacted by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That from hence forward the Allowance of a Grand Juror during his Attendance on the Court, and also for his necessary travel to and from the same, be *one Shilling* per Diem, over and above the aforesaid Allowance, accounting five Miles for half a Day's travel, and ten Miles for a whole Day, and so *pro rato*, but no Allowance to be made to any Person for less than half a Day's travel.

CHAP. V.

An Act in further addition to an Act Intitled, *An Act in addition to the Act for the better Observation and keeping the Lord's Day*, made and passed at a Great and General Court or Assembly held at *Boston* the seventh Day of *November* 1716. In the third Year of the Reign of his late Majesty King *George* the I.

3 *G.* ca. 1.

Preamble.

NOTWITHSTANDING the many good and wholesome Laws made to prevent the Prophanation of the Lord's Day, some wicked and evil disposed Persons do yet presume to do unnecessary Work, take their Recreation and Sport, and travel on the said Day:

For the more effectual preventing such vile and unlawful Practices:

Penalty for working or playing on the Lord's Day.

Be it enacted by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That whosoever shall for the future, contrary to the said Act do or exercise any Labour, Work or Business of his or their ordinary Calling, or use any Game, Sport, Play or Recreation on the Lord's Day, or on any Part thereof, shall forfeit and pay the Sum of *fifteen Shillings*; and upon a second Conviction the Sum of *thirty Shillings*; and give Bond with Sureties for their good Behaviour to the next Court of General Sessions of the Peace in the County where the said Offence is committed:

And

And that all Perſons that for the future ſhall travel contrary to the ſaid Act, ſhall for the firſt Offence forfeit and pay the Sum of *thirty Shillings*, and upon a ſecond Conviction the Sum of *three Pounds*, and give Bond with Sureties for the good Behaviour, as aforeſaid: And in Caſe any of the Offenders mentioned in this Act ſhall be unable or refuſe to pay and ſatisfy their Fines, they ſhall be adjudged to ſtand committed in the common Goal of the County, not exceeding the ſpace of five Days, or ſet in the Cage or Stocks, not exceeding four Hours, according to the Diſcretion of the Court or Juſtices before whom ſuch Conviction may be.

And whereas the ſolemnizing of Funerals on the Lord's Day oft-times occaſions great Prophanation thereon, by Servants and Children gathering in the Streets and walking up and down, to and from the Funerals, and is the Meaus of many Diſorders and Irregularities then committed: Preamble.

For Remedy whereof:

Be it further enacted by the Authority aforeſaid, That from and after the Publication of this Act, no Funeral ſhall be attended on the Lord's Day or Evening following, except in extraordinary Caſes, where the Corps by Reaſon of the exceſſive Heat of the Seaſon may prove offenſive, if not buried, or for ſome ſuch like Reaſon, Liberty be granted therefor by one or more of His Majeſty's Juſtices of the Peace living in ſuch Town where the Funeral is to be performed; or if there be no Juſtice in ſuch Town, then by the Select-Men or the major Part of them, who ſhall certify under their Hands, ſetting forth the Reaſon therefor to the ſeveral Sextons or Grave Diggers: And whoever ſhall preſume to permit and direct any Funeral on the Lord's Day without Liberty as aforeſaid, ſhall forfeit and pay the Sum of *forty Shillings*, and every Grave Digger or Sexton that ſhall by himſelf or Order be any Ways aſſiſting at any Funeral, contrary to this Act, ſhall forfeit and pay the Sum of *twenty Shillings*. No Funerals to be ſolemnized on the Lord's Day without Licence. Penalty.

And whereas the Laws now in Force for the Obſervation of the Lord's Day do not impower the Juſtices, Conſtables, Tything-Men, or other Officers to inſpect the Houſes of Retailers of ſtrong Drink, as it doth the Taverners, Innholders or common Victuallers on the Lord's Day, and the Evening preceeding and following the ſaid Day; by Reaſon whereof great Reſort at ſuch Times is made to ſuch Houſes of Retailers of ſtrong Drink: Preamble.

Wherefore, for the better finding out and diſcovering Perſons that ſhall be drinking or tipling at any Retailers Houſes, Out-Houſes, Yards or Dependencies thereof:

Be it enacted by the Authority aforeſaid, That the Juſtices of the Peace, Conſtables, Tything-Men, and all other Officers appointed for that Purpoſe, be and hereby are fully authorized to enter and ſearch the Houſes of Retailers in as large, full and ample Manner, as they may do the Houſes of common Victuallers, Innholders and Taverners, the Evening preceeding the Lord's Day, any Part of the ſaid Day or Evening following. And if any Retailer of ſtrong Drink ſhall entertain or ſuffer any of the Inhabitants of the reſpective Towns, where they dwell, or others not being Strangers or Lodgers in ſuch Houſes, to abide in their Houſes, Yards, Out-Houſes or Dependencies, drinking or idly ſpending their Time on Saturday Night after the Sun is ſet, on the Lord's Day, or the Evening following, ſhall forfeit and pay the Sum of *five Shillings* for every Perſon found in ſuch Houſes, contrary to this Act; and that the like Sum of *five Shillings* ſhall be paid by every Perſon ſo found and entertained in ſuch Houſe or Houſes contrary to this Act. Officers impowered to inſpect Retailers Houſes on the Lord's Day, &c. Penalty for Retailers entertaining Perſons on the Lord's Day, &c.

And whereas there are different Apprehenſions touching the Beginning of the Sabbath or Lord's Day:

In order therefore for the more quiet and orderly Obſervation of the Lord's Day, and to prevent any Indecencies and Diſorders:

Penalty for unneceſſary walking, riding, keeping open Shops, &c. on the Evening before and after the Lord's Day.

Be it further enacted, That all Perſons be and hereby are ſtrictly forbidden ſwimming in the Water, unneceſſary walking or riding in the Streets, Lanes, or high Ways or common Field of the Town of *Boſton*, and all other Towns or Places within this Province, keeping open their Shops or Ware-Houſes, or following their ſecular Occaſions the Evening preceeding the Lord's Day or Evening following, on Penalty, that every Perſon tranſgreſſing in any of the afore-mentioned Particulars, ſhall for the firſt Offence forfeit and pay the Sum of *ten Shillings*, and for the ſecond Conviction the Sum of *twenty Shillings*, and give Bond with Sureties for the good Behaviour, as in this Act is already provided; and in Caſe any of the Offenders ſhall be unable or unwilling to pay ſuch Fines, then to be puniſhed as in this Act is already provided. All Fines and Forfeitures ariſing by this Act to be diſpoſed of, one Half thereof for the Benefit and Relief of the Poor of ſuch Town where the Offence is committed, the other Half to him or them that ſhall inform and ſue for the ſame. And all His Majeſty's Juſtices, Sheriffs, Grand-Jurors, Tything-Men and Conſtables, are hereby directed to take due Care that this Law, and the ſeveral Parts thereof be obſerved and kept: And it is further recommended to the Juſtices of the Court of Aſſize and General Goal Delivery, and the Juſtices of the Peace in the ſeveral Counties in their General Seſſions at the opening of their reſpective Courts immediately before the Charge is given, to cauſe this Act to be publickly read in Courts; and that they then give it in ſpecial Charge to the Grand-Jury, that they diligently inquire after the Violaters of this Law, and preſent all Breaches thereof: Any Law, Uſage or Cuſtom to the contrary thereof notwithſtanding.

This Act to be read in the Courts.

CHAP. VII.

10 *W.* ca. 6.

An Act in addition to an Act Intitled, *An Act relating to Strays and loſt Goods*, &c.

Fee for entring loſt Goods, Strays &c.

Be it enacted by the Lieutenant Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame, That the Fee or Allowance to be paid the Town Clerk for entring any loſt Money, Goods or Strays ſhall be henceforward *one Shilling* over and above the Fee allowed him by an Act made in the tenth Year of King *William* the third, relating to Strays and loſt Goods, &c. And ſuch Town Clerk ſhall be obliged once every two Months to tranſmit to the Regiſter of Deeds in the County where he lives, an atteſted Copy under his Hand of all Entries that ſhall be made with him, of any loſt Money, Goods or Strays, and ſhall pay to the Regiſter *ſix Pence* for each Copy of an Entry, to be tranſmitted to him as aforeſaid; and the Regiſter ſhall keep a Book wherein he ſhall Record all Entries tranſmitted to him by the Town Clerk as aforeſaid, and give out Copies of the ſame, when deſired, taking the Fee of *ſix Pence* for each Copy, and no more; and for ſearching his Record *two Pence*, and no more: And if any Town Clerk or Regiſter ſhall demand and take any greater or other Fees than are before mentioned, for the Matters aforeſaid, or any of them, and be thereof convicted before any Court of Record in the County where the Offence ſhall be committed, he ſhall be ſubject and liable to the ſame Penalties that are enjoined by an Act for regulating Fees, made in the fourth Year of King *William* and Queen *Mary*, Chap. XVIII. for Perſons tranſgreſſing, as is therein mentioned.

Such Entries to be ſent to the Regiſter of the County.

Regiſter's Fee.

Penalty for asking greater Fees.

And be it further enacted by the Authority aforeſaid, That if any Town Clerk or Regiſter ſhall neglect or fail of doing their Duties reſpectively, as by this Act is provided and directed (their reſpective Fees in this Act mentioned being tender'd to them) he or they ſhall for every ſuch Neglect forfeit and

and pay as a Fine a Sum not exceeding *forty Shillings*, one Half thereof to the Use of the Poor of the Town wherein such Town Clerk or Register respectively dwells, and the other Half to him or them that shall inform and sue for the same before any of His Majesty's Justices of the Peace in the same County. Penalty for Town Clerk or Registers Neglect of, Duty.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for any Person or Persons to take up any Horse, Gelding, Mare or other Beast for a Stray, and Account and take Care of them as Strays (the Owner thereof not being known) from the first Day of *November* to the first Day of *March* yearly: And such Person shall be allowed his reasonable Charge about the same, altho' he does not proceed to procure an Apprizement thereof (as by Law is provided) for the space of two Months next after the finding and taking up such Stray Beast; provided the Finder and taker up of such Stray Beast do attend the Directions of the Law in all other Respects relating to Strays, and do not ride or otherwise improve such Stray Beast, until the same be apprized in Manner as by Law is already directed: Any Law, Usage or Custom to the contrary notwithstanding. Persons to take up Stray Beasts. Charges to be allow'd without apprizing the Strays. Proviso.

CHAP. VIII.

An Act in addition to an Act Intitled, *An Act to prevent Incestuous and Clandestine Marriages.*

WHEREAS in and by an Act made and passed in the seventh Year of King William *the third, Intitled,* An Act to prevent incestuous and clandestine Marriages; *It is (among other Things) Enacted,* "That no Justice "of the Peace or Minister shall presume to join any Persons in Marriage with- "out Certificate produced under the Hand of the Clerk of the several Towns "where the Parties respectively dwell, that the Names and Intention of the "Parties have been enter'd with him fifteen Days before Hand, and that due "Publication of such their Intention has been made in Manner as by Law is directed, *&c.*" *But sometimes it so happens, that Persons who purpose Marriage live or reside in Towns or Places where there are no Town Clerks:* Preamble. 7 *W.* ca. 6.

Be it therefore enacted by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That in every such Town or Place where there is or shall be no Town Clerk, when any of the Inhabitants shall desire Marriage, they shall produce a Certificate from the Clerk of the Town next adjoining, that the Names and Intentions of the said Persons have been entred with him fifteen Days before Hand, and that due Publication of such their Intention or Purpose of Marriage hath been made in the Town where said Town Clerk dwells, That then and in such Case it shall and may be lawful for any Justice of the Peace, or ordain'd Minister, within their respective Limits, to join any such Persons in Marriage: And such Town Clerk is hereby directed to set up such Notifications, and give such Certificates, and shall be and hereby is in all Respects subjected to the same Pains and Penalties upon his Neglect that any other Town Clerk is by Law subjected to, for neglecting his Duty in observing the Laws relating to Marriage: Any Law, Usage or Custom to the contrary notwithstanding. Where there is no Town Clerk, the Clerk of the next Town to enter Marriages. Penalty.

CHAP.

CHAP. IX.

An Act in addition to an Act, Intitled, An Act to enable Executors and Administrators to prosecute and defend any Suits that are depending or hereafter shall depend upon Appeal, wherein the Testator or Intestate was or shall be Appellant or Appellee.

15 G. ca. 6.

Preamble.

FORASMUCH as in and by an Act made and pass'd in the thirteenth Year of His late Majesty King George *the first, Intitled,* An Act to enable Executors and Administrators to prosecute or defend any Suits that are depending or hereafter shall depend upon Appeal, wherein the Testator or Intestate was or shall be Appellant or Appellee; *no Provision is made but only for the Relief of Executors or Administrators in such Suits as are depending upon Appeal; which hath been found insufficient, for that oftentimes upon the Continuance of Actions as well in the Inferiour Court of Common Pleas as in the Superiour Court of Judicature, the Plaintiff, Complainant or Informer, or the Defendant, is taken away by Death, pending such Action or Suit, before a final Judgment can be obtained, by Reason whereof sundry Inconveniencies have happened:*

Executors and Administrators impowered to prosecute or defend in Actions depending, &c.

Be it therefore enacted by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That when any Action or Suit is or shall be depending either in the Inferiour Court of Common Pleas, or in the Superiour Court of Judicature in any of the Counties in this Province, and it so happens that either Party be taken away by Death before a final Judgment, the Executor or Executors, Administrator or Administrators of such deceased Party who was Plaintiff, Complainant, Informer or Defendant, shall have full Power to prosecute or defend any such Suit or Action as shall be depending at the Death of the Testator or Intestate, from Court to Court, until definitive Judgment or Sentence; and the Defendants or Appellees are hereby obliged to answer to such Actions accordingly: And the Justices as well of the Inferiour Court of Common Pleas, as of the Superiour Court of Judicature before whom such Cases are triable and depending, are hereby impowred and directed to observe the same Method of Proceeding in hearing, trying and determining such Cases, and of entring up Judgment, and awarding Execution thereupon, as in and by the aforementioned Act is directed in Cases depending upon Appeal.

Attachments not to be voided by the Death of the Person.

And be it further enacted by the Authority aforesaid, That when any Goods or Estate shall be attached or Bail given upon any Writ or Process that shall be depending as aforesaid, the same shall not be released or discharged by Means of the Death of either Party, but be held good to Respond the Judgment to be given on such Writ or Process in the same Manner as by Law they would have been if such deceased Party had been living: Any Law, Usage or Custom to the contrary notwithstanding.

CHAP.

CHAP. X.

An Act in addition to an Act Intitled, *An Act in further addition to an Act Intitled, An Act for regulating Fences, Cattle, &c.*

4 G. ca. 2.

WHEREAS in and by the additional Act for regulating Fences, Cattle, &c. made and pass'd in the fourth Year of the Reign of His late Majesty King George *the first; Provision is made for the proportioning of each Proprietors Part of Fence in general Fields; but no Provision is made for dereying the Charge of dividing and setting off the same, nor for making or maintaining such Parts of such Fence, as may be unfit and injurious to be set off to any particular Proprietor or Proprietors:* Preamble.

Be it therefore enacted by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That for the future the Charge arising by dividing and setting off the several Parts of Fence in the common Fields to and among the Proprietors of Lands inclosed and fenced in one general Field, and the Charge of making and maintaining of such Fence as cannot justly be set off to any particular Proprietor or Proprietors, as his or their Part, shall be born by the several Proprietors thereof in Proportion to their respective Interests in said Field. Charge of setting off and making Fence in common Fields to be proportioned to the Proprietors.

And be it further enacted by the Authority aforesaid, That it shall be in the Power of the said Proprietors, or a major Part of them, (the Vote to be collected according to the interested present) at a Meeting of such Proprietors legally warned for that Purpose, to choose Haywards or Field-Drivers, who are to be under Oath, and to have the same Powers as if they were chosen by a Town, and also to choose Assessors to assess the several Proprietors for the Ends aforesaid, in proportion to each one's Interest: And in Case of Refusal of any Proprietor to pay the Sum assessed upon him, that then, upon Application made, a Warrant of Distress shall be granted by any Justice of the Peace in the County where such Land lies, directed to the Constable of the Town where such Proprietor lives, requiring him to levy and collect of the said Proprietor or Proprietors, his or their Proportion of the Sum assess'd upon his Goods or Chattels, and for want thereof on his Person. Proprietors to choose Haywards to be under Oath. Assessors to be chosen. Warrant of Distress to be issued.

Provided nevertheless, If any Proprietor or Proprietors so assess'd shall think himself aggrieved, he shall apply to the Assessors, and if they shall refuse to relieve him, he shall or may have Liberty to make Application to the Justices of the next Court of General Sessions of the Peace for the County where the Land lies; and the Difference shall be heard and determined by the said Court, whose Judgment or Sentence thereon shall be final: Any Law, Usage or Custom to the contrary notwithstanding. Persons aggrieved to be relieved at the General Sessions of the Peace.

Provided always, That nothing contained in this Act shall prevent or hinder the Proprietors of any such common Fields already fenced from making and maintaining their Fences according to the Rules and Orders formerly agreed on by them at a Meeting legally warned. Proviso.

CHAP.

CHAP. XI.

An Act for eſtabliſhing a Superiour Court of Juditature, Court of Aſſize, and General Goal Delivery, at *Barnſtable*, for the Counties of *Barnſtable* and *Dukes County*.

Preamble.

WHEREAS *the Inhabitants of the ſeveral Towns within the ſaid Counties of* Barnſtable *and* Dukes County, *have complained of the great Charge which the Jurors, Witneſſes, and Parties concerned are at yearly, in travelling to and attending at His Majeſty's Superiour Court of Judicature, Court of Aſſize and General Goal Delivery appointed by Law to be holden annually for the Counties of* Plymouth, Barnſtable *and* Dukes County *at the Town of* Plymouth, *on the laſt Tueſday of* April; *which Town is near one hundred Miles diſtant from ſome of the Towns in the ſaid Counties of* Barnſtable *and* Dukes County; *and the Repreſentatives of ſeveral of the Towns within the ſaid two Counties, having petitioned this Court, that there may be a Superiour Court of Judicature, Court of Aſſize and General Goal Delivery held at* Barnſtable *yearly, for the ſaid Counties of* Barnſtable *and* Dukes County *only:*

Superiour Court of Judicature, Court of Aſſize, &c. to be kept at *Barnſtable*.

Be it therefore enacted by the Lieutenant Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame, That there ſhall be, and hereby is eſtabliſhed a Superiour Court of Judicature, Court of Aſſize and General Goal Delivery to be held and kept annually at *Barnſtable* aforeſaid, for the Counties of *Barnſtable* and *Dukes County* on the *Tueſday* in the Week immediately preceding the laſt *Tueſday* of *April* yearly, the Time by Law appointed for holding the Superiour Court at *Plymouth* aforeſaid.

Time of the Court's ſitting

And the Juſtices of the ſaid Superiour Court of Judicature, Court of Aſſize and General Goal Delivery, ſhall have, hold, uſe, enjoy, and exerciſe at *Barnſtable* aforeſaid, all and ſingular the Powers which are by Law already given and granted unto them within any other Counties of the Province, where a Superiour Court of Judicature, and Court of Aſſize, *&c.* is already eſtabliſhed.

All Proceſs relating to the Counties of *Barnſtable* and *Dukes County* to be tried at ſaid Courts.

And that all Appeals from the Judgment or Sentence of any of the Courts of General Seſſions of the Peace, or Inferiour Courts of Common Pleas within the ſaid Counties of *Barnſtable* and *Dukes County*; Reviews, Recognances, Warrants, and all other Proceſs already iſſued or to be iſſued, brought or to be brought, taken or filed, which were to be heard and tried at the next Superiour Court of Judicature, Court of Aſſize and General Goal Delivery, to be holden at *Plymouth*, for the ſaid Counties of *Barnſtable* and *Dukes County*, on the laſt Tueſday of *April* next, ſhall not fail, or be diſcontinued, but be obligatory, continued over, tried, held good and valid to all Intents and Purpoſes in the Law, to and at the ſaid Superiour Court of Judicature, Court of Aſſize and General Goal Delivery reſpectively to be held at *Barnſtable*, for the ſaid Counties of *Barnſtable* and *Dukes County* as aforementioned.

Clerk of the Court to iſſue Warrants for chuſing Jurors.

And in convenient Time before the ſaid Court's Sitting, the Clerk of the ſaid Court ſhall iſſue out Warrants, directed to the Conſtables of the ſeveral Towns within the ſaid Counties of *Barnſtable* and *Dukes County*, requiring ſuch Conſtables to aſſemble the Freeholders and other Inhabitants of their reſpective Towns, qualified as in His Majeſty's Royal CHARTER is directed, to elect and chuſe ſo many good and lawful Men within each Town or Diſtrict thereof, as the Warrant ſhall direct, to ſerve as Jurors at the ſaid Court, who ſhall attend the firſt Day of the ſaid Court's Sitting: And the Conſtables ſhall ſummon the Perſons ſo choſen to attend accordingly, at the Time and Place therein

appointed

appointed, and make timely Return of their Warrants, according to the Directions thereof, under the ſame Penalties of the Law provided in ſuch Caſes.

And be it further enacted by the Authority aforeſaid, That for the future, the Superiour Court of Judicature, Court of Aſſize and General Goal Delivery ſhall be held at *Plimouth* for the County of *Plimouth* only, on the laſt Tueſday of *April* annually; and that the Clerk of the ſaid Court, do not in making out Writs of *Venire Facias* for the Choice of Petit Jurors for the ſaid County of *Plimouth*, oblige them to give their Attendance until the ſecond Day of the ſaid Court's Sitting. Superiour Court at *Plymouth* to be for that County only.

And be it further enacted, That for the future the Times for holding the Court of General Seſſions of the Peace and Inferiour Court of Common Pleas within the County of *Barnſtable*, ſhall be on the third Tueſday in *March*. And all Actions, Pleas and Suits both Civil and Criminal ſhall be heard and tried at the aboveſaid Courts, as fully and abſolutely, as if the Times for holding the ſame had not been altered. Inferiour Courts, &c. at *Barnſtable*.

And all Officers and others concerned at the ſaid Courts, are to conform themſelves accordingly: Any Law, Uſage or Cuſtom to the contrary notwithſtanding.

Acts and Laws,

Paſſed by the Great and General Court or Aſſembly of His Majeſty's Province of the *Maſſachuſetts-Bay* in *New-England*, Begun and Held at *Boſton* upon Wedneſday the twenty-ninth Day of *May*, 1728.

CHAP. I.

An Act in addition to, and for rendring more effectual an Act Intitled, *An Act to prevent Cauſeleſs Arreſts*, &c.

WHEREAS in and by an Act made and paſs'd in the thiretenth Year of the Reign of the late Queen Anne, *Intitled*, An Act to prevent cauſeleſs Arreſts, &c. **It is enacted,** "That every Perſon, Principal or Attorney, Preamble.
" Executor or Adminiſtrator taking out a Writ or Attachment againſt
" another, before he receive it out of the Clerk's Office, ſhall endorſe his Sirname
" on the Back thereof towards the Bottom; and ſhall ſtand chargeable and be liable
" to Anſwer and pay to the adverſe Party his Coſts ariſing by the Arreſt, and 13 *A.* ca. 1.
" Charge of Impriſonment (if any be) to be taxed in common Form by the Judges
" of the Court where the Writ is returnable, in Caſe of Non-Proſecution, Diſcon-
" tinuance, or that the Plaintiff be Non-ſuit, or Judgment paſs againſt him; to
" be levied on the Principal, the Executor, Adminiſtrator or Attorney that
" endorſed or took out ſuch Writ; if the Principal be without the Province,
" or be unable to pay the ſame.

And whereas it hath ſo happened when any Company or Number of Perſons are joined together in one Suit, there is but one only, or not a Majority of the Plaintiffs that hath endorſed the Writ; and thereupon ſuch Writ hath abated, becauſe all the Plaintiffs therein named have not endorſed the ſame, nor their Attorney in their Names and Behalf, which by Experience hath been found to be very prejudicial, eſpecially with Reſpect to the Commiſſioners and Truſtees of the publick Loan Money, who ſeldom live together in the ſame Town, but oftentimes very remote; ſo that it is exceeding difficult to get a Writ endorſed by all the Plantiffs, eſpecially when it ſo happens they are ſtraitned in Time; by Means whereof there hath been a Failure of Juſtice, as well as Loſs and Dammage not only to the Publick, but to par-

ticular Persons, occasioned by the Abatement of their Writs, when the Design of the Law was only to secure the Costs in Case of Non-Prosecution, Discontinuance, &c. as aforesaid.

For Redress whereof:

One Person endorsing a Writ, &c sufficient, in Case.

Be it enacted by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That from and after the Publication of this Act, when any Writ or Attachment shall be taken out at the Suit of more than one Person, the Endorsement of one of the Plaintiffs (or his Attorney) shall be sufficient in the Law, as well to oblige the Defendant to Answer, as the Endorser to pay the Cost and Charges arising on such Suit, in Case Judgment be for the Defendant or Defendants: Any Law, Usage or Custom to the contrary notwithstanding.

CHAP. II.

An Act for preventing of Injuries and unnecessary Delays to the Parties who shall hereafter be concerned in Suits at Law; and for the better and more speedy Execution of Justice.

Preamble

WHEREAS heretofore Objections have been made by Parties against whom Judgment has been given in the Superiour and Inferiour Courts respectively, to several of the Articles charged in their Bills of Cost, for the Attendance and Travel of Witnesses and otherwise; which Bills have been frequently allowed long after the Court's rising; and when the adverse Parties have not been present to make their just and reasonable Objections to such Articles:

For Prevention whereof for the future,

Bills of Cost to be tax'd immediately after Judgment given.

Be it enacted by the Lieutenant Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That when and so often as any Persons shall obtain Judgment in their Favour at the Inferiour Courts of Common Pleas, or Superiour Courts of Judicature, they or their Attorneys respectively shall immediately after the recovery of such Judgment draw up their Bills of Cost, and when they are examined by the Clerks of the said Courts respectively, present them to be taxed by one or more of the Justices of the said Courts, and the adverse Parties, or their Attorneys, attending the Courts, to be notified when the Bill is to be taxed, that so they may make their Objections (if any they have) to any of the Articles charged in such Bills, before the same be allowed. And no Bill of Cost shall be allowed after the Court is adjourned without Day, unless sufficient Reason be given for such Delay to the Satisfaction of one or more of the Justices of the Court who shall be desired to tax such Bill of Cost.

Adverse Party to be notified of it.

Exception.

Preamble.

And whereas it often happens that a great Number of the Judgments entred up at the Inferiour Courts within this Province, are appealed from by the Defendants who fail to prosecute their Appeals to Effect at the Superiour Court appealed to; and thereupon the Plaintiffs or their Attornies enter their Complaints against the Appellants or Defendants at the said Superiour Courts, but commonly neglect to draw up and file their Complaints, in order to have the Judgments of the Inferiour Court appealed from affirmed, until the last Day of the Sitting of the said Superiour Courts; by which Method the Complainants (or their Attornies) have the Profit of many Days Attendance, for which they are allowed in their Bills of Cost, and thereby throwing an unreasonable Charge upon the Defendants:

Be

Be it therefore enacted by the Authority aforesaid, That in taxing Bills of Coſt after Judgment given upon a Complaint at the Superiour Court, the Complainant ſhall be allowed but ſo many Days Attendance as the ſaid Court ſhall judge reaſonable. Court to allow of the Attendance charged in the Bill.

And to the Intent, that no Injuſtice may be done by an Overcharge to the Party againſt whom Judgment ſhall be given, no Perſon obtaining Judgment ſhall receive any Thing for Charges of his Suit 'till ſuch Time as the Bill of Coſt be firſt taxed by one of the Juſtices of the Court who was preſent, when the Judgment was given: Any Law, Uſage or Cuſtom to the contrary notwithſtanding. No Perſon to receive Charges of the Suits, till the Bill is taxed.

CHAP. III.

An Act in addition to an Act Intitled, *An Act for providing of Pounds, and to prevent Reſcous, and Pound Breach.*

WHEREAS in and by an Act made and paſs'd in the tenth Year of the Reign of King William *the third, Intitled,* An Act for providing of Pounds, and to prevent Reſcous and Pound Breach; *It is among other Things enacted,* "That there ſhall be a ſufficient Pound or Pounds made and maintained from Time to Time, in every Town and Precinct within this Province, in ſuch Part or Places thereof as the Select-Men ſhall direct and appoint, *&c. But no Penalty is therein ſet upon any Town or Precinct who ſhall neglect or refuſe to make and maintain ſuch Pounds:* Preamble. 10 *W.* ca. 4.

For Redreſs whereof,

Be it enacted by the Lieutenant Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame, That every Town and Precinct within this Province that ſhall neglect or refuſe by the ſpace of three Months from and after the Publication of this Act, to make and maintain a ſufficient Pound or Pounds in ſuch Town or Precinct, according to the Direction in the afore-recited Act, ſhall forfeit and pay the Sum of *ten Pounds*; one Half thereof to ſuch Perſon or Perſons as ſhall inform and ſue for the ſame, and the other Half to the Poor of the Town ſo neglecting or refuſing; to be recovered by Bill, Plaint or Information in any of His Majeſty's Courts of Record in the County where the Offence ſhall be committed. Penalty for not having Pounds.

CHAP. IV.

An Act in addition to and for rendring more effectual an Act Intitled, *An Act for the upholding and regulating of Mills,* made and paſſed at a Seſſion of the Great and General Court or Aſſembly, begun and held at *Boſton*, upon Wedneſday the twenty-fifth Day of *May*, in the eighth Year of the Reign of the late Queen **Anne**, *Annoque Domini*, 1709. 8 *A.* ca. 1. 12 *A.* ca. 9.

WHEREAS great Complaint is made by the Inhabitants of the Town of Boſton *and* Charleſtown, *that they are miſuſed by the Millers in not grinding their Corn ſeaſonably, and oft-times detaining it for a long Time unground, to their great Dammage, and alſo that they are very much defrauded by the Millers in taking an unreaſonable Toll:* Preamble.

Millers to be provided with Scales and Weights.

Be it therefore enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That every Miller within the Towns of *Boston* and *Charlestown*, who shall not be provided with suitable Scales and Weights, sealed as the Law directs, for weighing Corn and Meal in his Mill, within the space of two Months after the Publication hereof, shall forfeit and pay the Sum of *ten Pounds*; the one Half to His Majesty for and towards the Support of this Government, and the other Half to him or them that shall inform and sue for the same in any Court of Record in the Counties of *Suffolk* or *Middlesex*.

Penalty.

Penalty for continuing unprovided.

And be it further enacted, That every Miller in the Towns of *Boston* and *Charlestown*, who shall not be provided with suitable Scales and Weights, sealed as the Law directs for the End aforesaid, and shall continue in the Neglect thereof after the Expiration of the said two Months, shall forfeit and pay the Sum of *five Pounds* for every Month he shall continue in such Neglect, to be recovered and disposed of as is herein before mentioned. And if any Miller in the said Towns of *Boston* or *Charlestown* after the Expiration of the said two Months, do or shall presume to take a greater Quantity of Toll than a sixteenth Part for any Sort of Grain by him ground, and be thereof convicted, he shall forfeit and pay for each Offence the Sum of *five Pounds*, to be recovered and disposed of in Manner as aforesaid. And if any Miller in the said Towns of *Boston* or *Charlestown*, shall refuse to weigh Corn, Grain or Meal brought to or carried from his Mill, when desired, he shall, for every such Refusal, forfeit and pay the Sum of *five Shillings*, to be recovered before any Justice of the Peace within the County of *Suffolk* or *Middlesex*, by him or them that shall inform or sue for the same.

Penalty for taking too much Toll.

And for refusing to weigh Corn and Meal.

And be it further enacted, That when any of the Inhabitants of the Towns of *Boston* or *Charlestown*, shall send any Grain to be ground at the Mills there for the Use of their Families, the Miller or Millers shall receive into the Mills all such Grain, and within the space of three Days at least, take Care that the same be ground, on pain of forfeiting the Sum of *ten Shillings*, for every such Neglect, and the Sum of *five Shillings* more for every Day such Grain shall be unground (except in extraordinary Cases the Mill is prevented working) to be recovered before any of His Majesty's Justices of the Peace in the Counties of *Suffolk* or *Middlesex*.

Penalty for keeping Grain unground.

Acts and Laws,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and Held at *Boston* upon Wednesday the twenty-ninth Day of *May*, 1728. And continued by Prorogation unto Wednesday the twenty-fourth Day of *July* following, and then met.

CHAP. V.

An Act for repealing an Act Intitled, *An Act for the punishing and preventing of Duelling*, and for making other Provision instead thereof.

Preamble.

WHEREAS to the great Dishonour of Almighty GOD, in Defiance of the Laws of Nature and Nations, contrary to the Peace of Our Sovereign Lord the KING, *and the precious Life of Man, there have been of late within this Province several Duels, Rencounters and Quarrels:*

For preventing and suppressing such Mischiefs for the future,

Be

Be it enacted by his Excellency the Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame, That whoever from and after the Publication of this Act ſhall be ſo hardy and wicked as to fight a Duel, or for private Malice, Diſpleaſure, Fury or Revenge, voluntarily engage in a Rencountier, with Rapier or ſmall Sword, back Sword, Piſtol or any other dangerous Weapon, to the hazzard of Life, Maihem, or wounding of the Parties, or the Affray of His Majeſty's good Subjects, although Death doth not thereby enſue; or ſhall by Word, Meſſage, or any other Way, challenge an other to fight a Duel, or ſhall accept a Challenge, although no Duel be fought, or ſhall any Ways abett, prompt, encourage or ſeduce any Perſon to fight a Duel, or to challenge an other to fight; and be by due Courſe of Law before the Court of Aſſize and General Goal Delivery in any of the reſpective Counties within this Province convicted thereof, ſhall for every ſuch Offence be carried publickly in a Cart to the Gallows, with a Rope about his Neck, and ſit on the Gallows for the ſpace of one Hour with a Rope about his Neck, as aforeſaid, and then committed to the common Goal of the County, and there remain without Bail or Mainprize, for the ſpace of twelve Months, and at the Expiration thereof ſhall find Sureties for the Peace and good Behaviour, for and during the ſpace of twelve Months more. Puniſhment for Duels and Rencounters.

And be it further enacted by the Authority aforeſaid, That when and ſo often, as it ſhall appear by the Coroner's Inqueſt, that any Perſon hath been killed in fighting a Duel, the Corps or Body of ſuch Perſon ſo ſlain ſhall not have a Chriſtian Burial: But the Coroner of the County where the Fact ſhall be committed, ſhall be, and hereby is directed and impowred to take effectual Care that the Corps of all Perſons ſo killed be immediately ſecured, and buried without a Coffin, with a Stake drove through the Body, at or near the uſual Place of Execution; provided it be within the ſpace of tenMiles, if otherwiſe, then in the moſt publick Place in the Town where the Fact was committed; theCharge thereof to be defrayed out of the Eſtate of the deceaſed, (if any to be found) by Warrant of Diſtreſs to be awarded by His Majeſty's Juſtices of the Superiour Court of Judicature Court of Aſſize and General Goal Delivery, upon the Coroner's preſenting a Bill of Charge therefor: And if no Eſtate to be found, then the Charge to be paid by the County: And in Caſe any Perſon ſhall ſlay or kill any other in Duel or Fight, as aforeſaid, and upon Conviction thereof ſuffer the Pains of Death, as is by Law provided for wilful Murder, the Body of ſuch Perſon, ſhall not be allowed Chriſtian burial, but be buried without a Coffin, with a Stake driven through the Body, at or near the Place of Execution, as aforeſaid. Diſpoſition of the Body of any Perſon that is kill'd in a Duel. Diſpoſition of the Body of any Perſon that kills another in a Duel.

CHAP. VI.

An Act for regulating the Ferry between *Briſtol* and *Rhode-Iſland.*

WHEREAS there is a great Concourſe of Travellers for Paſſage at the Ferry between the Town of Briſtol *and* Rhode-Iſland, *the conſtant attending whereof is of ſingular Benefit to His Majeſty's Subjects paſſing and repaſſing the ſame; and whereas great Complaint is made by the Keeper of the ſaid Ferry, that, altho' he is at conſiderable Expence for keeping ſuitable Boats for the Service of the ſaid Ferry, and gives his conſtant Attendance there; yet ſundry Perſons of late, notwithſtanding the Proviſion already made by Law, have contrary to Juſtice, and to the prejudice of the Publick, preſumed to tranſport Paſſengers and Goods over and a-croſs the ſaid Ferry, from that Side of ſaid Ferry which is in this Province, having no Right or Authority ſo to do;* Preamble.

Be

Penalty for transporting Passengers or Goods over *Bristol* Ferry without Authority.

Be it therefore enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same, That if any Person or Persons shall from henceforth presume to receive on Board any Boat, or other Vessel, and transport any Passenger or Passengers, Horse or Horses, or any Sort of Cattle, or Goods from the said Town of *Bristol* to *Rhode-Island* at the Place where the Ferry is already stated, there or within half a Mile above or below the same, having no Right or Authority so to do from the Court of General Sessions of the Peace within the County of *Bristol*, nor Leave from the Person or Persons authorized by the said Court to keep the said Ferry; he or they shall for every such Offence forfeit and pay the Sum of *forty Shillings*; the one half to His Majesty for and towards the Support of this Government, and the other Half to him or them that shall inform and sue for the same, before One of His Majesty's Justices of the Peace within the said County of *Bristol*, and be further liable to pay such Dammages as may or shall accrue to the Person or Persons assigned and authorized to keep the said Ferry.

CHAP. VII.

An Act for altering the Time for holding the Court of General Sessions of the Peace, and Inferiour Court of Common Pleas within the Counties of *Essex*, *Middlesex* and *Plymouth*.

Preamble.

WHEREAS the Time by Law appointed for holding the Court of General Sessions of the Peace, and Inferiour Court of Common Pleas at Salem *for the County of* Essex, *on the last* Tuesday *of* June, *and at* Cambridge *for the County of* Middlesex, *on the second* Tuesday *of* June, *and at* Plymouth *for the County of* Plymouth, *on the third* Tuesday *of* June, *aforesaid, is the usual Time of the Sitting of the General Assembly; whereby the Business of the said Courts is frequently interrupted and delayed; by Reason that several of the Members of the Court are obliged to attend at the General Assembly:*

For Remedy whereof:

Time of holding diverse Courts in *Essex*, *Middlesex* and *Plimouth* alter'd.

Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That the said Court of General Sessions of the Peace and Inferiour Court of Common Pleas appointed to be held at *Salem*, for the County of *Essex* on the last *Tuesday* of *June*, be henceforth holden and kept at *Salem* aforesaid, on the second *Tuesday* of *July* annually; and that the Court of General Sessions of the Peace and Inferiour Court of Common Pleas appointed to be held at *Cambridge* for the County of *Middlesex* on the second *Tuesday* of *June*, be henceforth holden and kept at *Cambridge* aforesaid, on the third Tuesday of *May* annually: And that the Court of General Sessions of the Peace and Inferiour Court of Common Pleas appointed to be held at *Plymouth* for the County of *Plymouth*, on the third *Tuesday* of *June*, be also henceforth holden and kept at *Plymouth* aforesaid, on the said third *Tuesday* of *May* annually: Any Law, Usage or Custom to the contrary notwithstanding.

An Act,

Paſſed by the Great and General Court or Aſſembly of His Majeſty's Province of the *Maſſachuſetts-Bay* in *New-England*, Begun and Held at *Salem* upon Wedneſday the twenty-eighth Day of *May*, 1729. And continued by ſeveral Prorogations and Adjournments to *Boſton* the nineteenth Day of *November* following.

CHAP. I.

An Act for the ſpeedy and effectual ſecuring and repairing the Harbour of *Marblehead* in the County of *Eſſex*.

Preamble.

WHEREAS the Preſervation and ſecuring the Harbour of Marblehead *in the County of* Eſſex, *is of great Importance as well to that Town as to the Trade of this Province: And whereas by the Incroachments of the Sea, great Breaches have happened in the Beach on the South-weſterly Side of the ſaid Harbour, and by the continual waſhing away of great Quantities of ſaid Beach, it is now reduced ſo low that almoſt every common Tide gains a Paſſage over it, inſomuch that if the ſame is not thoroughly ſecured and well repaired, the Harbour of ſaid Town is in Danger of being deſtroyed:*

For Remedy whereof:

Truſtees to be choſen for repairing *Marblehead* Harbour.

Be it enacted by the Lieutenant Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame, That the ſaid Town of *Marblehead* at their next Town Meeting legally called ſhall be and hereby is impowred to chuſe five ſkilful and able Perſons as Truſtees for ordering, directing, ſecuring and repairing the ſaid Harbour, and for the future defending and preſerving the ſaid Beach from the Incroachments and Waſhings of the Sea, as aforeſaid:

And for the effectual enabling them ſo to do:

l. 500 to be advanced out of the public Treaſury.

Be it further enacted by the Authority aforeſaid, That they ſhall be and hereby are impowred to receive the Sum of *five Hundred Pounds* out of the Province Treaſury: And the Treaſurer is hereby ordered and directed to pay the ſame accordingly by Warrant from the Governour or Commander in Chief, for the Time being, with the Advice and Conſent of the Council: which Sum hereby made payable is to be employed in ſecuring and repairing the ſaid Harbour, and for the effectual Preſervation of the ſaid Beach and mending the Breaches thereof, as aforeſaid, by the ſaid Truſtees, or the major Part of them, in ſuch Manner as they ſhall think moſt convenient: And that there ſhall be provided and kept by the ſaid Truſtees one or more Book or Books, in which all Monies received by them by Vertue of this Act, and all Payments and Diſburſements out of the ſame, by Order or Direction of the ſaid Truſtees, or the major Part of them, under their Hands in writing, ſhall from Time to Time be fairly ſet down and entred, expreſſing the Time when, and the Name of the Perſon or Perſons from, or to, or by whom the ſame were ſo received, paid, or diſburſed, and for what Uſe or Purpoſe ſuch Payment or Diſburſement was made: And the ſaid Accompts, together with Copies of all Contracts made by the ſaid Truſtees ſhall in due and convenient Time after the ſaid Work is compleated and finiſhed, as aforeſaid, be delivered to this Court, that it may be ſeen that the Money hereby granted is laid out in the beſt Manner to ſecure and repair the ſaid Harbour of *Marblehead*, and the other Purpoſes intended by this Act: And two Thirds of all which Payments and Diſburſements duely vouched, (the whole of ſaid Payments and Diſburſements not exceeding

Books and Accompts to be kept by the Truſtees.

Two Thirds of the whole Charge to be paid by the Province, provided.

exceeding *two Thousand Pounds*) to be paid out of the Province Treasury, upon the passing and adjusting said Accompts: The said Sum of *five Hundred Pounds* in Hand paid, as aforesaid, to be held deemed and taken as Part or Parcel of the said two Thirds.

And whereas some evil minded Persons carry off Sand, Stones, Gravel, Sea-weed, Rock-weed and Sedge brought up by the Sea off and from the said Beach, to the Dammage and Weakening thereof:

Trespassers on the Beach to be prosecuted.

Be it therefore enacted by the Authority aforesaid, That no Person or Persons whatsoever shall presume to Cart or carry from any Part of the said Beach any Quantity of Sand, Stones, Gravel, Sedge, Sea or Rock weed, on the Penalty of *forty Shillings* for every Horse or Cart-Load, or Part of a Cart-Load, to be recovered by the said Trustees, or any one of them, or any other Person or Persons, before any One of His Majesty's Justices of the Peace in the said County, or before any of His Majesty's Court of Record within the same: The Fines to be laid out the one Half in the said Repairs, the other to the Person or Persons that shall inform or sue for the same: And the Offender or Offenders shall be convicted in the same Manner and according to the Rule and Way prescribed in and by an Act made in the twelfth Year of His late Majesty King *George*, Chap. V. Intitled, *An Act in Addition to and for rendring more effectual an Act made in the tenth Year of the Reign of King* William *the third*, Intitled, *An Act for preventing of Trespasses.*

12 *G.* ca. 5. 10 *W.* ca. 5

Town of *Marblehead* to keep the Harbour in Repair at their own Charge.

And be it further enacted by the Authority aforesaid, That from and after the laying out and expending the said Sum to and for the Uses, Intents and Purposes as aforesaid, the said Town of *Marblehead*, at the proper Cost and Charges of the said Town, shall for ever secure, support and keep in good Repair the said Harbour of *Marblehead*, and the Beach on the South-westerly Side thereof, according to the true Purpose, Intent and Meaning of this Act.

Acts and Laws,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and Held at *Cambridge* upon Wednesday the twenty-seventh Day of *May*, 1730. And continued by several Prorogations unto Wednesday the ninth Day of *September* following, and continued by Adjournment to *Roxbury* and thence to *Boston.*

CHAP. I.

An Act directing how Rates and Taxes to be granted by the General Assembly, as also County, Town and Precinct Rates shall be assessed and collected.

Preamble.

FORASMUCH as for the Support of the Government of this His Majesty's Province, and for the Safety and Defence thereof, and defreying the contingent Charges arising within the same, it is necessary that a suitable Supply of Money should be from Time to Time granted by the Great and General Court or Assembly of the said Province. To the Intent therefore that there may be due Provision made and established for assessing all such Sum and Sums of Money as shall hereafter be granted by the General Court to be levied upon Polls or Estates within the Province, or upon both Polls and Estates for the Support of the Government

ment thereof, or any other publick Use or Uses, whereto the General Assembly shall think fit to apply such Grant or Grants; as also that there may be like due Provision to inforce the collecting and paying into the Treasury such Sum and Sums of Money, so to be granted as aforesaid, according to the true Intent of the Act or Acts for granting the same:

Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That in the Month of *March* annually at the same Time when Town Officers are chosen by the respective Towns within this Province according to the Direction of an Act Intitled *An Act for regulating of Townships, Choice of Town Officers, and setting forth their Power:* there may be elected and chosen by the Freeholders and other Inhabitants of every Town duly qualified to vote in Town Affairs, then present, or the major Part of them, three, five, seven or nine meet Persons, to be Assessors of all such Rates and Taxes as the Great and General Court or Assembly shall by any Act or Acts, to be by the same duly made and passed, order and appoint such Town to pay towards the publick Charges of the Province, within the space of one Year from the Choice of such Assessors; every of which so chosen shall within the space of seven Days next after, be sworn before a Justice of the Peace, or Town Clerk in any Town, where no Justice of the Peace dwells (who are hereby respectively impowred thereto) in Manner following. *That is to say:*

Assessors to be Annually chosen in the Month of *March.*

To be Sworn.

Form of Assessors Oath.

YOU A.B. *being chosen an Assessor of such Rates or Taxes, as the Great and General Court or Assembly of this Province have or shall order and appoint the Town of* C. *to pay into the Treasury of the Province during the Space of one Year next ensuing,* Do swear, *That in assessing or apportioning such Rates or Taxes, you will proceed equally and indifferently according to your best Skill and Judgment, and the Rules to be prescribed in the Act or Acts for granting the same.* So help you GOD.

And the Town Clerk or two of the Select-Men of every Town shall forthwith make and give out unto the Constable or Constables of the same, a List of the Names of those that shall be chosen Assessors at any Town Meeting as aforesaid. Which Constable or Constables shall thereupon summon each of the said Assessors to appear at a certain Time and Place within the space of seven Days from the Time of their Election, before a Justice of the Peace, if any dwell in such Town; or otherwise before the Town Clerk thereof, to take the Oath above-mention'd. And if any such Assessor shall neglect to appear accordingly; or appearing shall refuse to take the said Oath; he shall forfeit and pay to the Use of the Poor of such Town the Sum of *forty Shillings*; and if in *Boston*, *five Pounds*; to be recovered in Manner and Form, as is by Law provided for recovering of Fines and Forfeitures, for the Use of the Poor.

Penalty on Assessors Chosen that shall refuse.

And the Select-Men of every such Town where any one or more of the Assessors so chosen shall refuse as aforesaid, shall forthwith after Notice thereof, summon a Meeting of the Freeholders and Inhabitants of such Town, to choose one or more Assessor or Assessors in the Room or Rooms of such so refusing. Which Freeholders and Inhabitants duly qualified to vote, being so assembled, shall accordingly choose so many Assessors as shall be wanting to compleat the Number, which the Town at the Time of their first Choice voted and agreed should be elected for the same.

A new Choice to be made.

Provided always, That it shall be in the Power of the Court of General Sessions of the Peace, upon reasonable Excuse made unto them by any Assessor or Assessors chosen for any Town or Towns in the County for which such Court is holden and kept, that shall refuse to accept as aforesaid, to abate and remit unto such Assessor or Assessors (if they see Cause) the Forfeiture or Penalty aforesaid.

Court of General Sessions of the Peace impowred to abate or remit the Penalty.

And be it further enacted by the Authority aforesaid, That if any Town shall not choose Assessors as aforesaid, or if so many of them so chosen as aforesaid shall refuse to accept, as that there shall not be such a Number of them as

Select Men or Trustees of Towns to be Assessors in Case.

any Town shall agree to be the Assessors thereof; then and in either of the said Cases, the Select-Men of such Town shall be, and hereby are declared and appointed the Assessors of the same; and every of them shall take the Oath before recited in Manner as aforesaid. And each Assessor attending that Service, shall be allowed and paid out of the Town Treasury *four Shillings* per Diem, for each whole Day, he is necessarily employed thereabout.

Assessors Allowance.

Penalty on Towns that shall neglect to choose Select Men or Assessors.

And be it further enacted by the Authority aforesaid, That if at any Time there shall be a Default or Neglect in any Town or Precinct, to make Choice of Select-Men or Assessors, the said Default or Neglect being certified and made appear unto the Court of General Sessions of the Peace within the same County; such Town or Precinct shall forfeit and pay the Sum of *twenty Pounds*, for and towards the Support of the Government of this Province; and in such Case, as also where neither the Select-Men nor Assessors chosen by any Town, shall accept thereof, the Justices of the Court of General Sessions of the Peace in the same County, shall and are hereby impowred to nominate and appoint three or more sufficient Freeholders within such County, to be Assessors of the publick Rates or Taxes in any such Town as aforesaid: Which Assessors so to be appointed by the said Court, shall take the Oath before recited; and shall then assess the Estate and Persons of such Town or Precinct, of which they shall be appointed Assessors, their due Proportion to any publick Tax, according to the Rules set down in the Act for raising of the same; together with the aforesaid Forfeiture of *twenty Pounds*, where the Town makes Default; and such additional Sum as shall answer their own reasonable Charges for Time and Expence in the said Service, not exceeding *five Shillings* a Man per Diem; and having assessed the same, shall transmit a Certificate thereof to the Treasurer, with the Names of the Constables or Collectors to whom they shall commit the same to be collected.

Court of General Sessions of the Peace to appoint Assessors, in Case.

Allowance to such.

To be paid out of the publick Treasury.

And such Assessors shall be paid their Charges as aforesaid (the same being adjusted and certified by two or more Justices of the Court by whom they were appointed Assessors, under their Hands) out of the publick Treasury, by Warrant from the Governour, with the Advice and Consent of the Council.

Penalty on Assessors that shall neglect their Duty.

And be it further enacted by the Authority aforesaid, That all Assessors aforesaid, shall duly attend and observe all such Warrants as during the Time of their Office, they shall receive from the Treasurer and Receiver General of this Province, pursuant to an Act or Acts to be made and passed by the Great and General Court or Assembly of the same; for the assessing and apportioning any Province Rate or Tax upon the Inhabitants or Estate within the Town, whereof they are Assessors; on pain that the Assessors of any Town or Precinct failing of their Duty by such Warrant of the Treasurer of them required, shall forfeit and pay the full Sum and Sums in such Warrant mentioned, to be by them assessed upon the Inhabitants or Estate of the Town or Precinct whereof they are Assessors, if the said Sum and Sums be therein made certain; which shall be levied by Distress and Sale of the Estates Real or Personal of such defective Assessors, by Warrant from the Treasurer directed to the Sheriff of the County (or his Under-Sheriff or Deputy) in which such Town or Precinct lies; and the Treasurer is hereby authorized and required in such Cases *ex Officio*, to issue out his Warrant, requiring the Sheriff or Deputy to levy the said Sum and Sums accordingly: And for want of Estate to take the Bodies of such defective Assessors and to imprison them, until they pay the same; which Warrant the Sheriff, his Under-Sheriff or Deputy are hereby impowred and required to execute accordingly. And the Court of General Sessions of the Peace in each respective County wherein such defective Assessors dwell, be and hereby are directed and impowred forthwith to appoint other meet Persons to be Assessors of such Rate or Tax, according to the Directions contained in the Treasurer's Warrant issued unto the former Assessors: and the Assessors which shall then be so appointed shall take the Oath and be liable to the same Duty and Penalties as the former Assessors.

General Sessions of the Peace to appoint other meet Persons in the room of defective Assessors.

And

Persons over-rated to be eased.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall at any Time be aggrieved at the Sum or Sums to be set and apportioned upon him or them by the Assessors of any Town or District or Precinct, and shall demonstrate that he or they are rated more than his or their Proportion with others, according to the Rule given to the said Assessors to the Sum set upon such Town, District or Precinct, by any Act or Acts of the General Assembly; the said Assessors shall ease him or them so aggrieved: And if they shall refuse so to do, such Person or Persons aggrieved complaining unto the next General Sessions of the Peace within that County, and making it appear, that he or they are assessed more than his or their Proportion as aforesaid, shall be heard and relieved by the Justices in the said Sessions, and shall be reimbursed out of the Town or Parish Treasury, so much as the said Justices or Assessors respectively shall see Cause to abate him or them, with the Charges; and the Court of General Sessions of the Peace are impowred upon the Complaint of any Party grieved to require the Assessors to produce the Lists of their Assessment.

Town and County Rates to be apportioned by the same Rule as public Taxes granted the same Year.

And be it further enacted by the Authority aforesaid, That all County, Town, Precinct, District and Parish Rates and Assessments shall be apportioned by the Select-Men or Assessors of the several Towns, Precincts, Districts or Parishes within this Province, upon the Inhabitants and Estates within the same, according to the Rule that shall from Time to Time be prescribed and set in and by the then last Act of the General Assembly which shall have been made and passed for the apportioning and assessing of the publick Taxes granted unto His Majesty, when such County, Town, Precinct, District or Parish Rate or Assessment shall be made or apportioned; and such Select-Men or Assessors shall be under the like Obligation of the Oath administred to the Select-Men or Assessors who apportioned the said publick Tax to proportion such County, Town, Precinct, District and Parish Assessments by the same Rules.

Collectors of public Taxes may be chosen at the same Time with the Assessors.

And be it further enacted by the Authority aforesaid, That the Freeholders and Inhabitants of any Town, Precinct, District or Parish, duly qualified to vote in Town Affairs, may if they see Cause, at the Time they chuse Assessors, likewise elect and chuse a meet Person or Persons to be Collector or Collectors of the publick Rates or Taxes that shall be assessed upon such Town, Precinct, District or Parish, and agree upon what Sum shall be allowed and paid out of the respective Treasuries, unto such Collector or Collectors for his or their Service therein: But if such Collector or Collectors so to be chosen shall refuse to accept that Service, or that none such be chosen, then the Constable or Constables of such Town or Parish shall collect and gather such publick Rates and Taxes, and every Collector or Constable shall have a Warrant from the Treasurer and Receiver General, or Select-Men or Assessors impowring him to collect such Rates or Taxes as shall be committed to him to collect, and shall pay in the same according to the Directions in such Warrant: And in Case of any Constable or Collector's Decease before his perfecting the Collection of any publick Assessment committed to him, the Assessors of such Town, Precinct, District or Parish shall impower and appoint at their publick Charge, some other fit Person or Persons to perfect the same Collection, and present his or their Names unto the Treasurer, Select-Men or Assessors, who are hereby authorized and required to enable and impower such Person or Persons to collect the same by granting a Warrant to him or them.

Provision in Case of Constables or Collectors decease.

Sheriff to disperse the Treasurer's Warrants.

And be it further enacted by the Authority aforesaid, That the Treasurer and Receiver-General shall send such Warrants as he shall be from Time to Time ordered to issue for the assessing or collecting any publick Rate or Tax inclosed to the Sheriff of each respective County, who is required immediately to disperse and transmit the same unto the Assessors, Constables, or Collectors of the several Towns, Precincts, Districts or Parishes within such County, according

To be paid out of the County Treasury.

cording to the Directions thereof; and for his Service, Charge and Expence, shall have a reasonable Allowance ordered him by the Justices in the Court of General Sessions of the Peace in the same County, to be paid out of the County Treasury, upon his laying the Accompt thereof before them.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall refuse to pay the Sum or Sums whereat they shall be assessed as their Proportion to any publick Rate or Tax in the List committed to any Constable or Collecter under the Hands of the Assessors of such Town, Precinct, District or Parish, or the major Part of them, upon Demand thereof made by such Constable or Collector, by Virtue of the Warrant to him given; it shall and may be lawful to and for such Constable or Collector, and he is hereby authorized and required in such Case to distrein the Person or Persons so refusing, by his or their Goods or Chattels; and the Distress or Distresses so taken to keep by the space of four Days, at the Cost and Charges of the Owner thereof. And if the Owner do not pay the Sum and Sums of Money so assessed on him within the space of four Days, then the said Distress or Distresses to be forthwith openly sold at an Outcry by the said Officer, for the Payment of the said Money, (Notice of such Sale being posted up in some publick Place in the same Town, twenty four Hours before Hand:) and the Over-plus coming by said Sale (if any be) over and above the Charges of taking and keeping the said Distress or Distresses, to be immediately restored to the Owner. And if any Person or Persons assessed as aforesaid, shall refuse or neglect to pay the Sum or Sums so assessed, by the space of twelve Days after Demand thereof, where no sufficient Distress can or may be found, whereby the same may be levied: In every such Case two or more of the Assessors in such Town, Precinct, District or Parish, are hereby authorized by Warrant under their Hands and Seals, to commit such Person or Persons to the common Goal, there to be kept without Bail or Mainprize until Payment shall be made.

Constable or Collector impowred to distrein, in Case, &c.

Distress to be sold by Outcry.

Persons to be committed, not having whereof to distrein.

And be it further enacted by the Authority aforesaid, That when any Person or Persons shall remove from any Town or Place where he or they lived, or had his or their Residence at the Time of making the Lists of any publick Tax or Assessment, not having before paid the respective Sum or Sums set upon him or them by such Lists; it shall and may be lawful to and for the Constable or Collector to whom any such Tax or Assessment shall be committed with Warrant to collect, and he is hereby authorized and impowred to demand the Sum or Sums assessed upon such Person or Persons, in what Town or Place soever he or they may be found; and upon Refusal or Neglect to pay the same, to distrein the said Person or Persons, by his or their Goods or Chattels as aforesaid; and for want of such Distress to commit the Party to the common Goal, there to remain until Payment be made.

Persons removing from the Place where they were assessed, may be taken in any other.

And be it further enacted by the Authority aforesaid, That when at any Time the General Assembly shall order any publick Rate or Tax by them granted, to be paid into the Treasury at two or more several Times or Days of Payment; and any Person or Persons being Inhabitants or Dwellers in any Town, or Precinct or Parish within this Province, at the Time of making such Rate or Tax, and being assessed thereunto, shall be about to remove him or themselves from thence before the Time that shall be prefixt for Payment of the same; it shall and may be lawful in such Case to and for the Constable or Collector of the same Town, Precinct, District or Parish, to demand and levy the whole Sum and Sums which such Person or Persons shall be assessed at in his List or Lists to such Constable or Collector committed, notwithstanding the Time for collecting the second Part of such Rate or Tax may not then be come: And in Default of Payment to distrein for the same, or to take any other Way or Course for the obtaining thereof, according to the Rules and Directions herein before provided. And when and so often as it happens that the

Provision in Case of persons being about to remove before the Time for Payment of the second Part of any Tax.

the Constables or Collectors be a new chosen and sworn for any Town, Precinct, District or Parish, before the former Constables or Collectors have perfected their Collection of any Tax or Assessment to them committed to gather; such former Constables and Collectors are notwithstanding hereby fully impowred and required to perfect all such Collections; and may exercise the same Powers and Authorities for the gathering and inforcing the Payment thereof, as by this Act they might have done before other Constables or Collectors were chosen and sworn.

Constables to whom any Tax shall be committed to perfect their Collection altho' other Constables be chosen.

And in making any of the Distresses aforesaid, or committing any Person or Persons to Goal as aforesaid, in Case the same should be made after such Constable or Collector shall be succeeded in his Office, it shall be lawful for such Constable or Collector to demand the Aid and Assistance of any of the Constables of the Town for the Time being, where the delinquent Person or Persons lives: And such Constable is hereby injoined and required to be aiding and assisting accordingly.

Constable tho' succeeded in his Office may demand Assistance of the Constables for the Time being in making Distress, &c.

And be it further enacted by the Authority aforesaid, That where the Owner or Tenant of any Lands liable to publick Taxes, shall not reside, or be an Inhabitant of the Town, Precinct, District or Parish in which such Lands lie, and no Stock, Corn or Hay can be found upon the said Lands, whereof the Constable or Collector may make Distress to satisfy such Sum or Sums as from Time to Time such Lands shall be assessed at, either to the Province, County, Town, Parish or ministerial Charges; in such Case, any Justice of the Peace in the County where the Occupant of any such Lands dwells or resides, upon Application to him made by the Constable or Collector to whom the List wherein such Lands shall be assessed shall be committed, and upon Sight of the same, or authentick Copy thereof, may and hereby is impowred and required to grant a Warrant unto the Constable of the Town or Place where such Occupant dwells or resides, to distrein such Occupant by his Goods or Chattels, the full Sum at which the said Lands are set in such List or Assessment, with the Charges occasioned for making such Distress, and to satisfy the same by Sale thereof, returning the Overplus, if any be, to the Owner; and in Case no Goods or Chattels can be found whereon to distrein, to commit the Party to the common Goal of the County, there to remain without Bail or Mainprize, until he pay and satisfy the Sum or Sums so assessed, with the Charges.

Provision in Case of Lands being rated in any Town, in which the Owner or Tenant thereof does not dwell.

And be it further enacted by the Authority aforesaid, That if any Constable or Collector to whom any publick Tax or Assessment shall be committed to collect, shall be remiss and negligent of his Duty, in not levying and paying unto the Treasurer or his Deputy, such Sum and Sums of Money, as he shall from Time to Time have received, and as ought by him to have been paid within the respective Times set and limitted by the Treasurer's Warrant, according to the Directions therein, pursuant to Law; the Treasurer is hereby impowred, after the expiration of the Time so set by Warrant under his Hand and Seal, directed to the Sheriff or his Deputy to cause such Sum and Sums of Money to be levied by Distress and Sale of such defective Constables or Collectors Estate, real or personal, returning the Overplus (if any be) and for want of such Estate to take the Bodies of such Constables or Collectors, and to imprison them, until they pay the same. Which Warrant the Sheriff or his Deputy is hereby impowred and required to execute accordingly.

Penalty on defective Constables or Collectors.

And be it enacted, That if any Constable or Collector so failing as aforesaid, have no Estate to be found whereon to make Distress, and his Person cannot be taken within the space of two Months from the Time which was set for his paying the same into the Treasury, in such Case, the Town or Precinct whereof the Constable or Collector so fails of his Duty, shall within three Months from the Expiration of the said two Months, make good to the Treasury the Sum

The Town or Precinct in which any defective Constable or Collector lives, to be answerable for his Payment into the Treasury, the Sums committed to him to collect.

Sum or Sums due and owing to the same from such defective Constable or Collector, which the Assessors of such Town having Notice from the Treasurer of the failure of any Constable or Collector as aforesaid, shall forthwith thereupon without any other or further Warrant assess upon the Inhabitants and Estates of such Town in Manner as the Sum so committed to such defective Constable or Collector was assessed, and commit the same to some other Constable or Collector to collect, who is to be impowred thereunto by Warrant from the Treasurer.

Provided always, That such Constable or Collector failing of his Duty as aforesaid for whose Default the Town is answerable as before expressed, shall at all Times afterwards be liable to the Action or Suit of the Treasurer of such Town for all such Sum and Sums as were assessed upon the same thro' his Default, and for other Dammages accruing unto the said Town thereby.

Executors of Administrators of Constables deceased, to make up their Accompts, &c.

And in Case of the Decease of any Constable or Collector, in any Town, Precinct, District or Parish, before his having adjusted the Accompts of his Assessment to him committed, the Executors or Administrators of such Constable or Collector shall within two Months after his decease settle and make up Accompts with the Assessors of the said Town, Precinct, District or Parish, of such Part of the Assessment as was received and collected by the deceased Constable or Collector in his Life-time, with which such Executors or Administrators shall be chargeable in like Manner as the deceased Constable or Collector should be if living: And such Assessors shall thereupon procure and appoint some suitable Person or Persons a Collector or Collectors to perfect such Collection; and they are accordingly hereby impowred and required to perform and execute all such Powers as were granted to the deceased Constables or Collectors therein. And if the Executors or Administrators of any Constable or
11 *G.* ca. 3. Collector so deceasing, not having fully collected the Assessment committed, shall fail of making up and settling the Accompt of what was received by the Deceased as aforesaid, before the Expiration of the Time aforesaid, such Executors or Administrators shall be chargeable with the whole Sum committed to be collected by the Constable or Collector unto whom they are Executors or Administrators, as the deceased Constable or Collector should be, if living, in Case there be sufficient Assets.

Penalty on defective Sheriffs or Marshals.

And be it further enacted by the Authority aforesaid, That where any Sheriff or his Deputy shall make Default in accounting for or returning into the Treasury the Sum and Sums mentioned in any Warrant or Warrants of Distress by him to be received from the Treasurer, the Treasurer in such Case is hereby authorized and impowred to make out his Warrant directed unto the Coroner or Coroners of such County, where any Sheriff or Under-Sheriff is defective, requiring them respectively to distrein the same upon the Estate Real or Personal of such defective Sheriff or his Deputy, as is before directed herein, referring to the Sheriff or Under-Sheriff, making Distress upon the Estate of defective Constables or Collectors; which Warrant the Coroner or Coroners of any County shall be directed, and are hereby impowred and required to execute accordingly.

How real Estates levied by the Treasurer's Warrant shall be disposed of.

And be it further enacted by the Authority aforesaid, That where any Sheriff or his Deputy shall by Warrant from the Treasurer pursuant to this Act distrein and levy the Lands or Tenements of any Constable or Collector, or where any Coroner shall by Warrant as aforesaid distrein and levy the Lands or Tenements of any Sheriff or Under-Sheriff for their or any of their Defaults in not collecting or not paying into the Treasury any Sum or Sums of Money, which ought to be by them collected levied and paid in as aforesaid, in every such Case the Sheriff, or either of his Deputies, or the Coroner executing such Warrant or Warrants of Distress, shall cause due Apprizement to be made of any Houses or Lands so levied by the Oaths of two or three sufficient Freeholders

holders in the same County (which Oath any Justice of the Peace is hereby impowred to administer) and after Apprizement thereof so made, is hereby fully authorized and impowred to make Sale of such Houses or Lands, and to make, seal, acknowlege and execute good and sufficient Deeds and Conveyances for the same, and out of the Produce thereof to pay and satisfy the Sum and Sums for which such Estate shall be levied, with all Charges arising thereon; and to return the Overplus upon such Sale (if any be) unto the Owner. And all Deeds and Conveyances of any such Estate in Houses or Lands duly executed as aforesaid, shall be good and effectual in the Law unto the Purchaser his Heirs and Assigns forever to all Intents and Purposes.

Things exempted from Distress.

Provided always, and be it further enacted by the Authority aforesaid, That in no Case whatsoever any Distress shall be made or taken from any Person or Persons of his or their Beasts belonging to the Plow, nor of Tools or Implements necessary for his or their Trade and Occupation, nor of his or their Arms or Utensils of Houshold, necessary for upholding of Life; nor of Bedding or Apparel necessary for him or themselves or Family: Any Law, Usage or Custom to the contrary notwithstanding.

Town of Province-Town to chuse in *January* annually.

Provided always, and it is hereby ordained and declared by the Authority aforesaid, That it shall be in the Power of and lawful for the Town of *Province-Town* annually to elect and chuse in the Month of *January* at a Meeting regularly called for that Purpose, all Town Officers, as the other Towns in this Province are impowred to do at their anniversary Meeting in *March*: Any Thing before contained herein, or any other Law, Usage or Custom to the contrary notwithstanding.

CHAP. II.

An Act to prevent Frauds in Muster Rolls.

Preamble.

WHEREAS it is judged necessary by this Court, that some Forts and Garrisons within this Province in Time of Peace, should be supported for the Safety thereof, which cannot be without considerable Cost and Charge: And to the Intent that no Money may be drawn out of the publick Treasury for the Payment of any Officer, Soldier or Mariner retained in His Majesty's Service and Pay of this Government, but such as bona fide *are not only inlisted, but actually in Person do perform their Duty:*

Be it enacted by his Excellency the Governour Council and Representatives in General Court assembled, and by the Authority of the same, That every Officer posted at any of the Forts, Garrisons or Truck Houses within this Province, and all such Officers as may hereafter be retained in His Majesty's Service, and the Pay of this Government, and have Soldiers or Mariners under their Command and Inlistment, after the Publication of this Act, that shall make any false or untrue Muster of any Man, or shall wittingly or willingly allow or sign any false or untrue Muster Roll, or any Duplicate of such Roll, upon Proof thereof upon Oath made by two Witnesses before the Superiour Court of Judicature, Court of Assize and General Goal Delivery, shall for such Offence be disabled from having or holding any civil or military Office, or Imployment in this Province, and shall likewise forfeit and pay to His Majesty the Sum of *one Hundred Pounds*; the one Moiety or half Part of which Fine or Forfeiture, to be applied to and for the Use and Support of this His Majesty's Government, the other Part to and for the Use and Service of the Informer or Informers.

Penalty for false Musters.

And be it further enacted by the Authority aforesaid, That if any Officer shall enter any Person on the Muster Roll by a wrong Name knowingly, upon Conviction thereof, such Officer shall suffer such Pains and Penalties as is directed to be inflicted by this Act, on those that shall make and present any false Muster Roll.

Penalty for entring Soldiers by a wrong Name.

And

And to diſcourage, and as far as may be, prevent all Officers from making and preſenting falſe Muſter Rolls :

Summons to be given for Offenders Appearance.

Be it further enacted by the Authority aforeſaid, That upon any Complaint or Information filed againſt any Officer for Breach of this Act in the Clerk's Office of the Superiour Court of Judicature, ſetting forth the Facts committed by the ſaid Officer fourteen Days before the Sitting of the ſaid Court, upon Leave obtained under the Hand of the Captain General, or Commander in Chief, the Clerk ſhall iſſue forth a Summons to the Officer informed againſt, commanding him to appear at the Superiour Court of Judicature, *&c.* to anſwer to ſuch Complaint ; which Summons with a Copy of the Information ſhall be ſerved upon the Officer complained of fourteen Days before the Sitting of the Court.

Sub Pœnas to be iſſued for Witneſſes.

And be it further enacted by the Authority aforeſaid, That if any Witneſſes to prove the Facts complained of, be retained in His Majeſty's Service, and Pay of this Government at any of the Forts or Truck-Houſes, or Veſſels, upon Application made to and Leave therefor had from the Captain General or Commander in Chief, as aforeſaid ; the Clerk ſhall make out *Sub Pœnas* for ſuch Witneſſes to attend the ſaid Court, as Evidences in the ſaid Caſes.

Penalty for an Officer's preventing Witneſſes to appear.

And be it further enacted by the Authority aforeſaid, That if any Officer ſhall preſume to detain any Soldier or Sailor under his Command, or any Ways prevent their attending the ſaid Court, when ſummoned and notified as before directed, ſuch Officer upon Conviction thereof, ſhall forfeit and pay the Sum of *one Hundred Pounds*, to be diſpoſed of in ſuch Manner as in this Act is already provided : To be recovered by Bill, Plaint or Information in His Majeſty's Superiour Court of Judicature, Court of Aſſize and General Goal Delivery : Any Law, Uſage or Cuſtom to the contrary notwithſtanding.

CHAP. III.

4 *W.* & *M.* ca. 2.

An Act in addition to the Act Intitled, *An Act for the Settlement and Diſtribution of the Eſtates of Inteſtates.*

Preamble.

WHEREAS in and by an Act made and paſs'd in the fourth Year of the Reign of King William *and* Queen Mary, *Intitled*, An Act for the Settlement and Diſtribution of the Eſtates of Inteſtates ; *It is among other Things provided, That the Apprizement and Diviſion of the Houſes and Lands of any Perſon dying Inteſtate, ſhall be made by Freeholders to be appointed and ſworn by the Judge for the Probate of Wills and granting Adminiſtrations ; which Practice by Reaſon of the great Diſtance of the ſaid Judge, from ſome ſuch Eſtates, hath been found very burthenſome and expenſive :*

For Remedy whereof :

Perſons to apprize and divide Inteſtate Eſtates, to be ſworn by a Juſtice of the Peace, in Caſe.

Be it enacted by his Excellency the Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame, That hence-forward when and ſo often as it ſhall happen that the Eſtate of any Perſon dying Inteſtate ſhall be more than ten Miles diſtant from the dwelling Place of the Judge of Probate, for the County where ſuch Eſtate ſhall lie, it ſhall be in the Power of any one of His Majeſty's Juſtices of the Peace, for the ſeveral Counties, to ſwear the Perſons appointed for the Purpoſe aforeſaid : And in Caſe ſuch Eſtate be more than ten Miles diſtant from a Juſtice of the Peace, ſuch Perſons as aforeſaid, may be ſworn by the Clerk of the Town where the Eſtates lies, a Certificate of ſuch Oath taken by the Juſtice and Clerk reſpectively, to be given into the Probate Office when the Perſons appointed and ſworn as aforeſaid, make Return of their Doings : Any Law, Uſage or Cuſtom to the contrary notwithſtanding.

CHAP.

CHAP. IV.

An Act for erecting, granting and making a County in the Inland Parts of this Province, to be called the County of *Worceſter*, and for eſtabliſhing Courts of Juſtice within the ſame.

New County erected by the Name of *Worceſter*.

BE it enacted by his Excellency the Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame, That the Towns and Places hereafter named and expreſſed, *That is to ſay*, *Worceſter*, *Lancaſter*, *Weſtborough*, *Shrewsbury*, *Southborough*, *Leiceſter*, *Rutland* and *Lunenburgh*, all in the County of *Middleſex*; *Mendon*, *Woodſtock*, *Oxford*, *Sutton* (including *Haſſanamiſco*) *Uxbridge*, and the Land lately granted to ſeveral Petitioners of *Medfield*, all in the County of *Suffolk*; *Brookfield* in the County of *Hampſhire*, and the South Town laid out to the *Narraganſett* Soldiers; and all other Lands lying within the ſaid Townſhips, with the Inhabitants thereon, ſhall from and after the tenth Day of *July*, which will be in the Year of our Lord One Thouſand ſeven Hundred and thirty one, be and remain one intire and diſtinct County, by the Name of *Worceſter*, of which *Worceſter* to be the County or Shire Town: And the ſaid County to have, uſe and enjoy all ſuch Powers, Priviledges and Immunities, as by Law other Counties within this Province have and do enjoy.

Names of the Towns therein.

And be it further enacted by the Authority aforeſaid, That there ſhall be held and kept within the ſaid County of *Worceſter* yearly and in every Year, at the Times and Place in this Act hereafter expreſſed, a Court of General Seſſions of the Peace, and an Inferiour Court of Common Pleas, to ſit at *Worceſter* on the ſecond Tueſdays of *May* and *Auguſt*, and the firſt Tueſdays of *November* and *February* yearly and in every Year, until this Court ſhall otherwiſe order: *Alſo*, That there ſhall be held and kept at *Worceſter* within the ſaid County of *Worceſter* yearly and in every Year until this Court ſhall otherwiſe order, a Superiour Court of Judicature Court of Aſſize and General Goal Delivery, to ſit on the Wedneſday immediately preceeding the Time by Law appointed for the holding of the ſaid Superiour Court of Judicature Court of Aſſize and General Goal Delivery at *Springfield*, within and for the County of *Hampſhire*: And the Juſtices of the ſaid Court of General Seſſions of the Peace, Inferiour Court of Common Pleas, Superiour Court of Judicature, Court of Aſſize and General Goal Delivery reſpectively, who are or ſhall be thereunto lawfully commiſſioned and appointed, ſhall have, hold, uſe, exerciſe and enjoy all and ſingular the Powers which are by Law already given and granted unto them, within any other Counties of the Province, where a Court of General Seſſions of the Peace, Inferiour Court of Common Pleas, Superiour Court of Judicature, Court of Aſſize and General Goal Delivery, are already eſtabliſhed.

Courts of Juſtice eſtabliſhed in ſaid County.

Provided, That all Writs, Suits, Plaints, Proceſs, Appeals, Reviews, Recognizances, or any other Matters or Things which now are, or at any Time before the ſaid tenth Day of *July*, ſhall be depending in the Law within any Part of the ſaid County of *Worceſter*; and alſo all Matters and Things which now are, or at any Time before the ſaid tenth of *July*, ſhall be depending before the Judges of Probate within any Part of the ſaid County of *Worceſter*, ſhall be heard, tried, proceeded upon and determined in the Counties of *Suffolk*, *Middleſex* and *Hampſhire* reſpectively, where the ſame are or ſhall be returnable or depending, and have or ſhall have Day or Days.

Proviſo referring to Matters now depending in the Courts of the other Counties.

Proviso referring to the Registry of Deeds in the other Counties.

Provided also, That nothing in this Act contained, shall be construed to disannul, defeat, or make void any Deeds or Conveyances of Lands, lying in the said County of *Worcester*, where the same are, or shall be before the said tenth of *July*, recorded in the Register's Office of the respective Counties where such Lands do now lie; but that all such Deeds or Conveyances so recorded, shall be held good and valid as they would have been had not this Act been made.

Register of Deeds to be chosen.

And be it further enacted by the Authority aforesaid, That the Justices of the Court of General Sessions of the Peace at their first Meeting in the said County of *Worcester*, shall have full Power and Authority to appoint some meet Person within the said County of *Worcester* to be Register of Deeds and Conveyances within the same, who shall be sworn to the faithful Discharge of his Trust in the said Office, and shall continue to hold and exercise the same according to the Directions of the Law, until some Person be elected by the Freeholders of the said County of *Worcester*, who are hereby impowered to choose such Person on the first Thursday of *September* next ensuing, by the Methods in the Law already prescribed, to take upon him that Trust: And until such Register shall be so appointed by the said Justices and sworn, all Deeds and Conveyances of Lands lying within any Part of the County of *Worcester*, which shall be recorded in the Register's Office of the respective Counties where such Lands do now lie, shall be held and deemed good and valid to all Intents and Purposes as to the recording thereof.

Manner of appointing a Register of Deeds and County Treasurer.

And be it further enacted by the Authority aforesaid, That the Methods, Directions and Proceedings by Law provided as well for the electing and choosing a Register of Deeds and Conveyances, as a County Treasurer, which Officers shall be appointed in the same Manner as is by Law already provided, on the first Thursday of *September* next, and also for the bringing forward and trying any Actions, Causes, Pleas or Suits both Civil and Criminal in the several Counties of this Province and Courts of Judicature within the same, and choosing of Jurors to serve at the Courts of Justice, shall extend and be attended, observed and put in Practice within the said County of *Worcester*, and by the Courts of Justice within the same: Any Law, Usage or Custom to the contrary notwithstanding.

Proviso about Taxes.

Provided always, That the Inhabitants of the several Towns and Places herein before enumerated and set off a distinct County, shall pay their Proportion to any County Rates or Taxes already made and granted, in the same Manner as they would have done, had not this Act been made.

CHAP. V.

An Act impowring Courts to adjourn and remove from the Towns appointed by Law, for holding Courts to other Towns, in Case of Sickness by the Small Pox.

Preamble.

WHEREAS the several Acts of this Province for establishing and holding the Superiour Court of Judicature, Court of Assize and General Goal Delivery, Courts of General Sessions of the Peace, and Inferiour Courts of Common Pleas in the several Counties of this Province, and for ascertaining the Time and Place for holding the same, do not impower the Justices of the said Courts to adjourn to any other Town from those where the said Courts are held according to Law, tho' at the same Time the Small Pox (being a mortal infectious Distemper) may prevail there, and so endanger the Lives and Health of many of His Majesty's good Subjects obliged to attend said Courts, or in a great Measure prevent Persons concerned attending, whereby Justice may be greatly delayed, and the Subject oppressed:

Be

Be it therefore enacted by his Excellency the Governour Council and Representatives in General Court assembled, and by the Authority of the same, That when any of the before-mentioned Towns shall be visited with the aforesaid mortal infectious Distemper, at the Time appointed for holding said Courts, that then it shall be in the Power of the Justices of said Courts to adjourn and remove to one of the next adjacent Towns of Safety: Any Law, Usage or Custom to the contrary notwithstanding. Courts to be removed in Case of the Small Pox.

CHAP. VI.

An Act in further addition to an Act Intitled, *An Act for due Regulation of Weights and Measures*, made in the fourth Year of the Reign of their late Majesties King *William* and Queen *Mary*.

Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That the Brass and Copper Weights and Measures lately sent out of *England*, with Certificate out of His Majesty's Exchequer to be approved *Winchester* Measure, according to the Standard in the Exchequer, be the publick allowed Standard throughout this His Majesty's Province, for the proving and sealing all Weights and Measures thereby. And the Constables of every Town throughout this Province, not already supplied, shall within three Months next after the Publication of this Act provide upon the Town's Charge, one Bushel, one half Bushel, one Peck, one half Peck (conformable as to Bigness to the said Standard, and of the same Breadths, as are already mentioned in an Act made in the twelfth Year of the said King *William*) Intitled, *An Act in Addition to the Act for due Regulation of Weights and Measures:)* as also one Ale Quart, one Wine Pint and half Pint; one Ell, one Yard, one Sett of brass Weights, to four Pounds, (after sixteen Ounces to the Pound,) with fit Scales and Steel Beams, tried and proved by the aforesaid Standard, and sealed with a Seal (of the Letters *P. M.* (which shall be kept for that Purpose) by the Province Treasurer, or some other Person, in his Presence and by his Order; which said Weights and Measures shall be kept and used only for Standards in the several Towns) and the said Treasurer is hereby authorized and required to do the same, for which he shall receive from the Constables of each Town *two Pence* for every Weight and Measure tried, proved and sealed, as aforesaid: Any Law, Usage or Custom to the contrary notwithstanding. Standard of Weights and Measures. 12 *W.* ca. 11. 4 *A.* ca. 2.

An Act,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and Held at *Boston* upon Wednesday the twenty-sixth Day of *May*, 1731. and continued by several Adjournments unto Wednesday the third Day of *November* following.

CHAP. I.

An Act making more effectual Provision for the calling of Precinct or Parish Meetings.

WHEREAS His Majesty's Justices of the Peace in their several Counties are, by the Acts or Laws of this Province already made, impowred, upon Application made to them, to issue out their Warrants for the calling of the Preamble.

first Meeting of any Parish or District regularly set off; but no Provision is made for the calling any after Meeting in Case of the Death or Refusal of any of the major Part of such a Committee, as are impowred to call other or after Parish Meetings:

Justices impowred to call Precinct Meetings after the first, in Case.

Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That when it shall so happen by the refusal of any Committee impowred to call Meetings in any Parish or District, or their being disabled by the Death or Removal of the major Part of such Committee, that then it shall and may be lawful for any Justice of the Peace in the County where such Precinct, District or Parish lies; and such Justice is hereby impowred upon Application to him made by five or more Freeholders of such Precinct or Parish, by writing under their Hands, for calling of a Meeting, to issue out a Warrant for the assembling such District or Parish, directed to one of the Freeholders, requiring him to notify the Freeholders and others (qualified by Law to vote) of the Time and Place of the Meeting: And the Freeholders and other Inhabitants so convened shall have full Power to choose all necessary Officers to act and transact all Matters and Things relating to their Parish, as they shall judge convenient: *Provided*, That such Matters and Things are contained in the Warrant or Notification of the said Meeting.

Preamble.

And whereas no Provision is made in the Law for swearing of Parish Officers in Towns where no Justice of the Peace dwells, and the travelling to other Towns is attended with Charge and Difficulty: Therefore,

Clerk to administer an Oath where no Justice dwells.

Be it enacted by the Authority aforesaid, That the Assessors and other Officers in any Parish or District being in a Town where no Justice of the Peace dwells, shall and may be sworn to the faithful Discharge of their Office before the Clerk of such Parish or Precinct, who is accordingly impowred to administer the same; the said Clerk being first sworn before one of His Majesty's Justices in the said County.

An Act,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and Held at *Boston*, upon Wednesday the thirty-first Day of *May*, 1732.

CHAP. II.

An Act providing Pay for keeping Petit Jurys.

Preamble.

WHEREAS the several Courts of Justice established within this Province, have for Years past been in the constant Practice of appointing Persons under Oath to keep the Jury of Tryals when they have Causes committed to them between the Crown and the Subject, or between Man and Man; which Usage hath been of great Service, and tended to the more equal Distribution of Justice. But in as much as there is no Fee or Allowance by Law stated for such Service:

Fees for keeping Jurys.

Be it therefore enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That the Fee for keeping the Jurys in all such Cases shall be *one Shilling* and no more for each Action: Any Law, Usage or Custom to the contrary notwithstanding.

AN

An Act,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and Held at *Boston* upon Wednesday the thirty-first Day of *May* 1732. and continued by Adjournment unto Wednesday the first Day of *November* following.

CHAP. I.

An Act in further addition to and Explanation of an Act in addition to an Act for erecting of a Powder-House in *Boston*.

Preamble.

WHEREAS the Forfeitures for keeping a greater Quantity of Gun-Powder than is allowed by Law, in any of the Houses or Warehouses in the Town of Boston, *as provided in an Act made and passed in the second Year of His late Majesty's Reign, Intitled*, An Act in Addition to an Act for erecting a Powder-House in *Boston*, *are found not sufficient to prevent the Breaches of that Act*:

Fine for keeping too much Gun-Powder.

Be it therefore enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That there shall be a further Sum of *five Pounds* Penalty, making in the whole *ten Pounds*, for every half Barrel of Powder, and so *pro rato*, kept in any House or Warehouse contrary to that Act.

And whereas some Doubts have arisen about the Forfeiture of Powder when found and informed against:

The whole Powder to be forfeited when it exceeds what is allowed by Law.

Be it further declared by the Authority aforesaid, That when any Quantity of Powder is found to be in any House or Warehouse other than by Law permitted, all such Powder as well the Quantity allowed, as the Over-plus, shall upon Conviction be declared forfeited; and if any Person selling or retailing Powder, shall lodge any Powder in any of his Out-Houses or Buildings, in his Yard, Garden, or any of the Dependencies thereof, more than by that Law he may, the whole Quantity shall be forfeited as aforesaid.

The said Forfeitures to be recovered in Manner as is provided in the aforesaid Act.

Acts and Laws,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and Held at *Boston*, upon Wednesday the thirty-first Day of *May* 1732. and continued by several Adjournments unto Wednesday the fourth Day of *April* following.

CHAP. II.

An Act in Explanation of and Addition to an Act Intitled, *An Act to prevent unnecessary Law-Suits*.

Preamble.

WHEREAS by an Act made and passed in the fourth Year of His present Majesty's Reign, Intitled, An Act to prevent unnecessary Law-Suits: *It is provided*, " That where any Person is sued in a Plea of Debt due " by Book, he may plead what is due upon his Book by Way of Ballance to " the Plaintiff's Book: *upon which many Doubts have arisen and may arise*:

Wherefore

Wherefore, for the Explanation thereof;

Accompts open or balanced admitted Evidence.

Be it enacted and declared by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That the true Intent and Meaning thereof is, That if any Person be sued in any Action, either of Debt or of the Case, for any Sum of Money due upon Contract between the Parties for any Goods sold, or Service done, whether the Accompt be open, or a Ballance thereof be made and signed by the Parties (except Specialties and express Contracts in writing) he may either plead specially, or upon the general Issue, give in Evidence what is due upon his Book by Way of Balance to the Plaintiff's Demand, and be admitted to all such Method and Course of proving his Accompt as any Plaintiff upon his Suit might.

Defendant's Book admitted as Evidence against the Plaintiffs Demand.

Preamble.

And inasmuch as it hath sometimes happened that when two Persons have at the same Time Execution against each other, one of them absconds and leaves a Power of Attorney with some other Person, to receive the Money due on his Execution, and by his absconding as aforesaid, avoids paying the other Execution:

For Prevention whereof, and such like Inconveniencies for the future;

One Execution to answer another.

Be it enacted by the Authority aforesaid, That when and so often as it shall happen that the Sheriff, his Deputy, or any Coroner, or his Deputy, or Constable, shall at the same Time have several Executions, wherein the Creditor in one Execution is Debtor in the other, that in such Case such Officer or Officers are hereby impowered and directed to cause one Execution to answer and satisfy the other, so far as the same will extend.

Proviso.

Provided always, That this Act shall not be construed to extend to any Judgments and Executions, wherein the Creditor in one Execution, is not in the same Capacity and Trust Debtor in the other.

CHAP. II.

An Act in addition to the Act Intitled, *An Act for Review in Civil Causes.*

13 *W.* ch. 16.

Preamble.

WHEREAS in and by an Act of this Province, Intitled, An Act for Review in Civil Causes, *made and passed in the thirteenth Year of the Reign of his late Majesty King* William *the third,* **It is enacted,** "That it "shall be in the Liberty of the Party aggrieved, at the Judgment given in any "Inferior Court of Common Pleas, or in the Superiour Court of Judicature "respectively, by new Process to Review the said Cause, once in each Court;" *And it is also thereby further Enacted,* "That Execution shall not be stay'd or "suspended for, or by Reason of any Process of Review": *Which Law by Experience hath been found to be in general Good and Wholsome: But by Reason of the last mentioned Clause of the Act, it hath frequently happened in Cases where the Plaintiff in the original Action hath obtained Judgment against the Defendant, upon the Appeal at the Superiour Court of Judicature, whereupon Execution hath immediately issued, and the original Defendant, either by Means of the said Plaintiff's living out of the Province, or of his Insolvency, or of his suing as Executor or Administrator, hath been defeated of duly serving his Writ of Review, or finally lost or been put to great Difficulty to recover back the Money levied by Execution, altho' he prosecuted his Writ of Review at the next Superiour Court of Judicature, and Judgment there rendred for reversing the former Judgment, with Costs; which is such an Hardship upon the original Defendant that he loses the good Effects intended by the said Law:*

For Remedy whereof for the future;

Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That when the original Plaintiff in any personal Action now depending

ing, or hereafter to be commenced upon the Trial of the Appeal at the Superiour Court, shall obtain Judgment against the original Defendant, for any Sum or Sums of Money or other Things sued for and Costs; in all such Cases such Defendant entring into Bonds at the Time of making up the said Judgment, with sufficient Security to be approved of by the said Court, with Condition to prosecute a Writ of Review of the said Action with Effect, at the next Superiour Court of Judicature to be holden within and for the same County, and to answer and pay to the original Plaintiff for the Debt recovered after the Rate of *twelve Pounds* per Cent. per Annum, being double Interest, from the Time of making up said Judgment, for his being delayed, and double additional Costs, in Case the Judgment be affirmed, Execution shall be stay'd until Judgment upon the Review; and in Case the original Plaintiff shall not be an Inhabitant or Resident in this Province at the Time of prosecuting the Writ of Review, it shall be deemed a good and legal Service for the Plaintiff on the Review to serve the Attorney, Factor, Agent or Trustee of the original Plaintiff, or such Person as appeared for the original Plaintiff, on the Appeal with his Writ of Review, which shall be deemed as effectual to hold him, to Answer and Defend in the said Action, as if he himself were served with said Process. *Provided*, that the double Interest aforementioned shall not extend to the letting of Cattle or Usages of the like Nature in Practice among Farmers, or maratime Contracts among Merchants, as Bottomry or Course of Exchange, as hath been heretofore accustomed.

Execution on Judgments on the Appeal to be stayd in Case.

Writs of Review may be served on Attorney, &c. in Case.

Proviso.

And be it further enacted by the Authority aforesaid, That in all real Actions where the Defendant or Defendants in the Review happen to live out of the Province, so that he she or they can't be duly served with a Writ of Review, the Service of such Writ upon the Ter-Tenant or Person in Possession of the Premisses, shall be deemed a good Service, to hold the Defendant or Defendants to Answer and Defend in said Suit; and the Court of Judicature where the said Writ is returnable, shall proceed to try the Action as if Process had been served upon the original Defendant or Defendants personally.

Writ of Review in real Actions may be served on Ter-Tenants in Case.

CHAP. III.

An Act in addition to an Act Intitled, *An Act for the suppressing of Lotteries.*

6 G. ch. 1.

WHEREAS *the Provision made in and by an Act Intitled*, An Act for the suppressing of Lotteries, *made and pass'd in the sixth Year of the Reign of his late Majesty King* George *the first, has not been found sufficient to put a Stop to that Practice, but sundry Persons have exposed their Estates as well real as personal to Sale by Lotteries, projected, and the Tickets disposed of within this Province, reserving the drawing of the Lots in some of the neighbouring Colonies or Provinces; whereby the good and wholsome Design and true Intent and Meaning of the aforesaid Act, is very much eluded and evaded, to the great Discouragement of Trade and Industry, and grievous Hurt and Dammage of many unwary People:* For Remedy whereof:

Preamble.

Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That from and after the Publication of this Act, if any Person or Persons shall undertake or set up any Lottery, or expose to Sale, or dispose of any Estate, Real or Personal, by way of Lottery, such Person or Persons shall for such Offence forfeit and pay the Sum of *five Hundred Pounds*, to be recovered by Information, Plaint, Bill or Action at Law, in any of His Majesty's Courts of Record within this Province; the one Half thereof to be to the King's Majesty, to be applied towards the Support of this Government; the other Half to him or them that shall inform and sue for the same.

Fine for setting up a Lottery.

And

For publishing any Account of Lotteries.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall be aiding or assisting in any Lottery, by printing, writing, or any otherways publishing an Account thereof, or where Tickets may be had for the same, such Person or Persons shall forfeit the Sum of *one Hundred Pounds*, to be recovered and disposed of in Manner as aforesaid.

For selling Lottery Tickets.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall offer or expose to Sale, give, sell, or otherways dispose of to any Person within this Province, any Lottery Tickets for the Sale of any Estate whatsoever, Real or Personal, such Person or Persons shall forfeit the Sum of *two Hundred Pounds* for each Ticket so exposed to Sale or otherwise disposed of, to be recovered in Manner as aforesaid, and for the Use aforesaid; and the Person so offending shall be uncapable of sustaining any Office or Place of Profit whatsoever, within this Province.

Proviso.

Provided always, That this Act shall not be construed to extend to any Lottery allowed by Act of Parliament, or Law of this Province.

An Act,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and Held at *Boston* upon Wednesday the thirtieth Day of *May*, 1733. and continued by Adjournment unto Wednesday the fifteenth Day of *August* following.

CHAP. I.

An Act in further addition to an Act Intitled, *An Act for making effectual Provision for the calling of Precinct or Parish Meetings.*

Preamble.

WHEREAS by an Act made in the fourth and fifth Years of the Reign of his present Majesty, Intitled, An Act for making effectual Provision for the calling of Precinct or Parish Meetings, *It is Enacted*, "That "when it shall so happen, by the refusal of any Committee impow- "red to call Meetings in any Parish or District, or their being disabled by the "Death or Removal of the major Part of such Committee, that then it shall "be lawful for any Justice of the Peace in the County where such Precinct, "District or Parish lies, and such Justice is impowred to issue out a Warrant "for the assembling such District or Parish, *&c.*" *But no Provision is made by the said Act for the calling of Precinct or Parish Meetings after the first Meeting, where there shall be a failure of chusing and appointing a Committee to call Meetings for the future, as it hath sometimes happened; by Means whereof many Inconveniencies have arisen:*

A Justice of the Peace to call Parish Meetings after the first Meeting in Case.

Be it therefore enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That where no such Committee has been chosen in any Parish or Precinct, then and in such Case, upon Application of five or more of the Freeholders and Inhabitants of such Precinct or Parish, to any one of His Majesty's Justices of the Peace of the County where such Precinct or Parish lies, by writing under their Hands for calling of a Meeting, to choose Precinct Officers, and to transact such Matters and Things necessary for the ordering the Affairs of such Precinct or Parish, such Justice is hereby impowred and directed to issue out a Warrant for the assembling such Precinct, District or Parish as aforesaid, directed to the Clerk (if any be) or one of the Freeholders asking the

the same, requiring him to notify the Freeholders and other Inhabitants (qualified by Law to vote in Town Affairs) of the Meeting in like Manner, and according to the Rules and Directions prescribed in an Act Intitled, *An Act in further addition to the Act for the more effectual providing for the Support of Ministers*, made in the tenth Year of the Reign of King *George* the first.

Preamble. *And whereas many Inconveniencies have arisen from a Justice of the Peace only being impowred to swear a Precinct or Parish Clerk:*

The Moderator of the Meeting to swear the Parish Clerk in Case. **Be it therefore enacted by the Authority aforesaid,** That in Case there be no Justice of the Peace present at the Choice of a Parish or Precinct Clerk, that then it shall be in the Power of the Moderator of such Precinct or Parish Meeting, to swear such Parish or Precinct Clerk, to the faithful Discharge of his Office; who is hereby impowred to swear the rest of the Precinct Officers.

An Act,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and Held at *Boston* upon Wednesday the thirtieth Day of *May* 1733. and continued by several Adjournments unto Wednesday the third Day of *October* following.

CHAP. I.

An Act in further addition to the several Acts or Laws for the Settlement and Distribution of the Estates of Intestates.

Preamble. *WHEREAS it often happens, that Persons dying Intestate are seized and possessed of Lands, and other real Estate, lying and being in several Counties within this Province; and thereupon it hath been disputed, whether the next of Kin and Heirs at Law ought not to apply to the Judges of Probate in the respective Counties where such Lands and real Estate lie, for a Settlement and Distribution of the same; by Means whereof, not only great Trouble, Cost and Charge hath arisen and been occasioned to the Parties concerned, but the same hath been attended with many other Inconveniencies:*

Power to settle Lands in several Counties by one Judge of Probate. **Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same,** That when it shall so happen, that any Person shall die Intestate, seized of Lands or other real Estate, lying in several Counties within this Province, the Judge of Probate for any such County (preference to be always given to the Judge of Probate for the County where the Deceased was an Inhabitant at the Time of his Death,) shall have full Power and Authority to make a Settlement and Distribution of the whole of the real Estate of such Intestate, in whatsoever County in this Province lying and being, in the same Manner and by the same Rules as are already prescribed by Law: And the like Power and Authority is hereby granted to the several Judges of Probate in this Province, with respect to any Intestate Estate not already settled.

Proviso. *Provided always*, That this Act nor any Thing therein contained shall be construed to extend to, or any wise affect any intestate Estate already settled.

Acts and Laws,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and Held at *Boston* upon Wednesday the thirtieth Day of *May*, 1733. and continued by several Adjournments unto Wednesday the tenth Day of *April* following.

CHAP. II.

An Act for altering the Times for holding the Superiour Court of Judicature, Court of Assize and General Goal Delivery, within and for the Counties of *Plymouth*, *Barnstable* and *Dukes County*, *Essex* and *York*.

Preamble. WHEREAS *at present the Superiour Court holden at* Barnstable, *for the Counties of* Barnstable *and* Dukes-County, *proceeds the Time for holding the Superiour Court at* Plymouth, *for the County of* Plymouth; *and the Superiour Court at* York, *for the County of* York, *is holden the Week before the Superiour Court at* Ipswich *for the County of* Essex, *which is found to be inconvenient, and the transposing or altering the Order of the Courts aforesaid, would be much better and more acceptable to the respective Counties and Parties concerned:*

Time of the Superiour Courts sitting at *Barnstable*. **Be it therefore enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same,** That the said Superiour Court of Judicature, Court of Assize and General Goal Delivery, appointed to be held at *Barnstable*, for the Counties of *Barnstable* and *Dukes County* on the Tuesday in the Week immediately preceding the last Tuesday of *April* yearly, shall be henceforth holden and kept at *Barnstable* aforesaid, for the said Counties of *Barnstable* and *Dukes County* on the last Tuesday of *April* yearly. And that the said Superiour Court of Judicature, Court of Assize and General Goal Delivery appointed to be held at *Plymouth*, for the County of *Plymouth*, on the last Tuesday of *April* yearly, be henceforth holden and kept at *Plymouth* aforesaid for the said County of *Plymouth* on the Tuesday immediately preceding the last Tuesday of *April* annually.

at *Plymouth*.

at *Ipswich*. **And be it further enacted by the Authority aforesaid,** That the said Superiour Court of Judicature, Court of Assize and General Goal Delivery, appointed to be held at *Ipswich* for the County of *Essex* on the third Tuesday of *May* yearly, shall be henceforth holden and kept at *Ipswich* aforesaid, for the said County of *Essex*, on the second Tuesday of *May* yearly: And that the said Superiour Court of Judicature, Court of Assize and General Goal Delivery, appointed to be held at *York* for the County of *York*, on the Wednesday next immediately preceeding the Time appointed by Law for holding the Superiour Court of Judicature, *&c.* at *Ipswich* for the County of *Essex*, shall be henceforth holden and kept at *York* aforesaid, for the said County of *York*, on the third Tuesday of *May* annually.

at *York*.

All Processes to stand good. **And be it further enacted by the Authority aforesaid,** That all Appeals, Reviews, Recognizances, Warrants or other Process, already issued, taken, filed, or to be filed, continued, or any Ways depending; which are to be heard and tried at the respective Towns of *Barnstable* for the Counties of *Barnstable* and *Dukes County*, *Plymouth* for the County of *Plymouth*, *Ipswich* for the County of *Essex*, *York* for the County of *York*, according to the respective Times or Days already appointed by Law, shall not fail or be discontinued, but be valid and stand good to all Intents and Purposes in the Law, and be heard, tried and determined at the respective Times and Days set and appointed by this Act: And that the Clerks of the said Courts in making out Writs of *Venire Facias* for the Choice of Jurors, take Notice that they give their Attendance on the first Day of the said Courts sitting. And all Officers and other Persons concerned, are required to conform themselves accordingly.

Clerks of the Court to issue *Venires*.

CHAP.

CHAP. III.

An Act in further addition to an Act Intitled, *An Act for the punishing of Criminal Offenders.*

4 *W. & M.* ch. 5.

WHEREAS *the Penalties already provided in and by an Act made and passed in the fourth Year of the Reign of King* William *and Queen* Mary, *Intitled,* An Act for the punishing of criminal Offenders, *have in a great Measure proved ineffectual to restrain Persons from Drunkenness, profane Swearing and Cursing:* Preamble.

Be it therefore enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That for the future, whoever shall be convicted of prophane Swearing or Cursing shall for the first Offence forfeit and pay the Sum of *ten Shillings,* and for every such Oath or Curse after the first (uttered at the same Time, and in the hearing of the same Person or Persons) the Sum of *two Shillings:* And if any such Offender shall at any other Time afterward, be convicted of profane Swearing or Cursing, he or she shall forfeit and pay for every such Oath or Curse, the Sum of *ten Shillings,* and also be proceeded with in like Manner, as the aforesaid Act directs in Case of a second Conviction of Drunkenness. And if any Person shall be convicted of Drunkenness, such Offender shall forfeit and pay the Sum of *ten Shillings* for every such Offence. Penalties for Drunkenness and prophane swearing and cursing.

The respective Fines before-mentioned, to be recovered in the Manner, at the Time, and disposed of for the Use in said Act mentioned.

And in Case any such Offender as aforesaid, shall be unable or refuse to pay such Fine or Fines, on him or her imposed, the Justice or Justices before whom the Conviction shall be, are hereby impowred to punish such Offender agreable to the Direction of the Law made in the fifth Year of King *William* and Queen *Mary,* Intitled, *An additional Act for the punishing criminal Offences.* 5 *W. & M.* ch. 5.

An Act,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England,* Begun and Held at *Boston,* upon Wednesday the twenty-ninth Day of *May,* 1734.

CHAP. IV.

An Act in addition to the several Acts relating to and for preventing of Encroachments and Incumbrances upon High Ways, private Ways, Streets, &c.

5 *W. & M.* c. 10
10 *W.* III. c. 1.
12 *A.* ca. 6.
11 *G.* ca. 4.

WHEREAS *the Provision made by the Law for removing of Incumbrances, Buildings or Fences upon, or across, or that do or may obstruct or streighten the high Ways, private Ways, Town Ways, Streets or Alleys, has been found in some Cases insufficient to pay and satisfy the Charge of removing the same: And whereas also it frequently happens (in ancient Towns especially) that after Lands have been long fenced in particular Lots or Proprieties, such Fences are generally reputed the Bounds between such particular Lots,* Preamble.

and the high Ways, private Ways, Streets, Alleys or Commons within such Town, and no Monuments remain of any other Boundaries; whereby great Advantage is given (to Persons so disposed) to encroach on said high Ways and Commons, and the Prosecution of such Offences is rendered extreamly difficult:

For Remedy whereof:

Buildings, Fences, &c. on high Ways, &c. to be removed.

Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That if any Person or Persons at any Time from and after the Publication of this Act, shall presume to set up or cause to be set up or erected any Building, Fence or other Incumbrance whatsoever, in, upon, or over any of the Roads, high Ways, private Ways, Streets, Lanes or Alleys, in any Town within this Province, or continue any such Incumbrance, and be duly convicted thereof, the said Incumbrances, Buildings or Fences, shall be removed, as in and by Law is directed: And in Case the Materials of such Buildings, Fences, or other Incumbrances, be insufficient to pay and satisfy the Charges of removing the same, and Costs of Prosecution, the Court or Justice before whom such Prosecution shall be made, shall and are hereby impowred to order the Payment thereof, out of other Goods or Estate of the Person or Persons so offending, and award Execution accordingly.

Charges how to be defrey'd.

Boundaries stated.

And be it further enacted by the Authority aforesaid, That where Fences have been erected fronting against any of the common Lands and high Ways, private Ways, Streets, Lanes or Alleys in any Town or Peculiar within this Province, where the Breadth of such high Ways, private Ways, Streets, Lanes or Alleys is not known, nor can be made certain by the Records thereof, nor any other Boundaries, and such Fences have been upheld and maintained for more than the space of thirty Years, such Fence or Fences shall then, and from thenceforth, be accepted, reputed and taken as the Lines or Boundaries between the said Commons, high Ways, private Ways, Streets, Lanes or Alleys, and the Lands lying in particular Propriety adjoining thereto, unless the Owner or Owners of such Lands do make it appear by authentick Records, or credible Witnesses, that his or their Bounds did extend further in the original Grant thereof.

No Fences to be remov'd nearer Commons, high Ways, &c. without duly notifying the Select-Men, or other Persons appointed.

And be it further enacted by the Authority aforesaid, That if any Owner or Proprietor of Lands inclosed and fenced as aforesaid, shall remove his or their Fence or Fences further towards any such Commons, high Ways, Streets, Lanes or Alleys, without duly notifying the Select-Men of the Town wherein such Lands do lie, or such other Person or Persons respectively, as are or shall be chosen and appointed by such Town or the Proprietors thereof, to take the Care and Inspection of the Boundaries between the Land of particular Persons, and the Lands in said Town, appropriated for Common, High-Ways, &c. that so the Lines or Boundaries may be perambulated before the Fences be so removed, every such Person and Persons so offending, or that shall be aiding or assisting therein, upon Conviction thereof, shall forfeit and pay the Sum of *forty Shillings*, to be disposed of, one Half to the Poor of such Town where the Offence shall be committed, the other Half to him or them that shall inform and sue for the same.

Penalty.

CHAP. V.

An Act in addition to an Act Intitled, *An Act for the Ease of Prisoners for Debt.*

Preamble.

WHEREAS it is provided in and by an Act made and pass'd in the fourth Year of the Reign of King GEORGE *the second, Intitled, An Act for the Ease of Prisoners for Debt,* "That any Person imprisoned for Debt, "either upon mean Process or Execution, shall be allowed the Liberty of the

"Prison

" Prison Yard, the Prisoner with two sufficient Sureties, giving Bond to the " Sheriff for his keeping within the Limits thereof, until lawfully discharged." *And altho' it is further provided,* " That in Case of an Escape the Penalty of " such Bond shall be to and for the Use of the Creditor, and shall be transf- " ferred and assigned over to the Creditor by the Sheriff." *Yet forasmuch as the Creditor upon putting such Bond in Suit can recover Judgment only for the original Debt, with Cost of Suit and Interest; by Reason of which, Escapes are not sufficiently discouraged, and many Creditors kept out of their just Dues to their great Hurt and Dammage.*

For Remedy whereof:

Upon Prisoners Escape, the whole Bond assign'd to the Creditor.

Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That henceforward, when and so often as any Prisoner, having given Bond as aforesaid, shall make an Escape, the whole Penalty of such Bond shall be to and for the Use of the Creditor, and shall be transferred and assigned over to the Creditor by the Sheriff, with full Power to enable him to put the same in Suit, and the Creditor shall recover the whole Sum therein expressed, and the Court shall make up Judgment accordingly.

CHAP. VI.

An Act for regulating the Proceedings on Bonds of Administrators, on Intestate Estates.

Preamble.

WHEREAS in and by an Act or Law of this Province, made in the fourth Year of the Reign of King William *and Queen* Mary, *Intitled,* An Act for the Settlement and Distribution of the Estates of Intestates, *the Judges for Probate of Wills, and granting of Administrations in the respective Counties, are required to take Bond of such Person or Persons, to whom they grant the Administration of the Estate of any Intestate, and it sometimes happens, that such Judges do put those Bonds in Suit, and distribute the Sums recovered thereon, to and among the Parties interested in such Manner, as in and by the said Act is directed: And whereas it has happened, that after such Distribution as aforesaid, the Administrator has brought his Action of Review, and thereupon obtained a reversal of the former Judgment; in which Case the respective Judges of Probate are liable to an Execution, and thereby exposed to great Charge and Inconvenience:*

For Remedy whereof:

Execution to be staid upon Judgment recovered by the Judge of Probate.

Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That when any of the Judges for the Probate of Wills and granting of Administrations, shall put in Suit any Administrator's Bond, and recover a Judgment for the Penalty therein expressed, or any Part thereof at any Inferiour Court of Common Pleas, or Superiour Court of Judicature, Execution of such Judgment shall be staid, until the next Session of the Court whereat the same was obtained, that so such Administrator may then (if he sees Cause) have an Opportunity to review his Action: and if he shall neglect so doing, Execution shall thereupon be awarded; and the Judge for Probate shall make Distribution of the Sum recovered to and among the Parties interested therein, agreable to the Direction of the Law: And every such Administrator is hereby forever precluded and bar'd from bringing any such Action afterward.

CHAP.

CHAP. VII.

An Act in Explanation of and further addition to an Act Intitled, *An Act for regulating of Townships, Choice of Town Officers, and setting forth their Power.*

Preamble.

WHEREAS in and by an Act made and passed in the fourth Year of King William *and* Queen Mary, *Intitled*, An Act for regulating of Townships, Choice of Town Officers, and setting forth their Power, *It is provided*, "That the Bounds of all Townships shall be run betwixt Town and Town, "and Marks renewed once in three Years, by two of the Select-Men of each "Town, or any other two Persons whom the Select-Men shall appoint; the "Select-Men of the most ancient Town to give Notice to the Select-Men of "the next adjacent Towns, of the Time and Place of Meeting for such Per-"ambulation, six Days before Hand, on pain of forfeiting *five Pounds* by the "Select-Men of any Town that shall neglect their Duty in any of the Parti-"culars aforesaid; two Thirds thereof for the Use of the Poor of such Town; "and the other Third unto the Select-Men of any of the next adjacent Towns, "that shall inform and sue for the same, in the Inferiour Court of Common "Pleas within the same County." *Whereupon some Disputes have arisen as to the Disposition of the said Forfeiture of* five Pounds.

For Prevention whereof, and that the said Act may be rendred more effectual;

Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That when the Select-Men of any Town within this Province, whose Duty it is by the said Act to give Notice unto the Select-Men of the next adjacent Towns of the Time and Place of Meeting for perambulating the Bounds betwixt them, shall neglect their Duty in that Particular, they shall forfeit and pay the Sum of *fifteen Pounds*. And if the Select-Men of any Town within this Province shall (upon Notice given as aforesaid) refuse or neglect by themselves or others by their Appointment, to meet and perambulate such Bounds, altho' they may be the Bounds between County and County, they shall forfeit and pay the Sum of *fifteen Pounds*: The said Fines or Forfeitures to be disposed of, one Third to the Select-Men, or other Person of the Town, which is not negligent of their Duty in this Behalf, who shall inform and sue for the same; and the other two Thirds to the Use of the Poor of the Town of which they are Select-Men; the said Fines or Forfeitures respectively to be recovered in any Court of Common Pleas within the County where either of the said Towns lie.

Forfeiture for not perambulating Town Bounds

How to be disposed of.

An Act,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and Held at *Boston* upon Wednesday the twenty-ninth Day of *May*, 1734. and continued by Adjournments unto Wednesday the twentieth Day of *November* following.

CHAP. I.

An Act in addition to an Act Intitled, *An Act for the Settlement and Distribution of the Estates of Intestates.*

Preamble.

WHEREAS in and by an Act made and passed in the fourth Year of the Reign of King William *and* Queen Mary, *Intitled*, An Act for the Settlement and Distribution of the Estates of Intestates, "The Judges of "Probate

" Probate of Wills, and for granting Letters of Adminiſtration of the Eſtates " of Inteſtates, are to ſettle the Eſtate both real and perſonal, one third Part " of the perſonal Eſtate to the Wife of the Inteſtate for ever, beſides her Dower " or Thirds in the Houſing and Lands during Life, where ſuch Wife ſhall " not be otherwiſe endowed before Marriage; and all the Reſidue of the real " and perſonal Eſtate by equal Portions to and among his Children, and ſuch " as ſhall legally repreſent them, *&c.*" *But ſufficient Proviſion is not made for the Settlement of the Eſtate on the Grand-Child or Grand-Children, where one or more of the Children of the Inteſtate are deceaſed: For want thereof conſiderable Difficulties have ariſen and may ariſe:*

For Remedy whereof;

Manner of ſettling Inteſtate Eſtates on Grand Children.

Be it enacted by his Excellency the Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame, That the ſeveral Judges of Probate of Wills and for granting Adminiſtration on the Eſtates of Inteſtates, where any of the Children deceaſed in the Life-Time of the Inteſtate, and left Iſſue, ſhall make a full Settlement of the Eſtate in Manner following, *viz.* On the Grand-Children, that Part which their deceaſed Father or Mother would have had or taken if living at the Time of the Inteſtate's deceaſe, and ſhall ſettle two Shares or a double Portion on the eldeſt Son, if any be, and ſo in the ſame Manner and Proportion as if the ſame had deſcended from their immediate Father or Mother, and ſhall follow the ſame Rules as to ſettling the Lands upon one or more of the Grand-Children, (as the ſame are capable of making Settlements) according to the Direction of the Law of this Province, *viz.* An Act made in the ſixth Year of King *George* the firſt, *Chap.* III. directing to give preference to the Sons.

Proviſo.

Provided always, This Act ſhall not extend to affect the Title of any Eſtate already ſettled.

Acts and Laws,

Paſſed by the Great and General Court or Aſſembly of His Majeſty's Province of the *Maſſachuſetts-Bay* in *New-England*, Begun and Held at *Boſton*, upon Wedneſday the twenty-eighth Day of *May*, 1735.

CHAP. II.

An Act in addition to an Act Intitled, *An Act for the hearing and determining Caſes in Equity*, made and paſſed in the tenth Year of the Reign of King *William* the third.

10 *W.* ca. 14.

Preamble.

WHEREAS the Conditions annexed unto Bonds and other Specialties, are ſometimes for the Payment of Moneys, or the Performance of other Matters and Things at different Times; and when upon the firſt Breach of ſuch Condition the Bond or Specialty has been put in Suit, it has been apprehended that the Courts of Juſtice, even in Equity, can chancer ſuch Bonds or Specialties to ſo much only of the Debt, or other collateral Matters to be performed, as is become due at the Time of the Action brought, whereby the Obligee may meet with Difficulty to recover his Debt as it ſhall become due:

Be it enacted by his Excellency the Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame, That when any Action ſhall be brought and proſecuted on any Bond or other Specialty with Penalties for the Payment of Sums of Money, Performance of Covenants, Contracts, Agreements, Matters or Things to be done

Judgment to be made up for the whole Penalty of Bonds where there are diverse Payments &c.

done at several Times, and the Plaintiff recover the Forfeiture of such Penalty, the Court shall enter up Judgment for the whole of such Forfeiture, and award Execution only for so much of the Debt or Dammage as is due or sustained at that Time; so always that the said Judgment shall stand, and be a Security to the Plaintiff, his Executors and Administrators, for any further and after Payments or Dammages he or they may have a just Right to by the Non-Performance or Breach of the Covenants, Contracts, Agreements or Things, in such Bonds or other Specialties contained; and may have a Writ or Writs of *Scire Facias* on said Judgment, from such Courts where the same was obtained, against the Defendant, his Heirs, Executors, or Administrators, suggesting other and further Dammages sustained by the Non-Performance or Breach of such Covenants, Contracts and Agreements; and to summon him or them to shew Cause why Execution should not be awarded upon said Judgment for other and further Dammages, as set forth in the Writ, and made out to the Court; upon which the said Court shall proceed as aforesaid, and so *toties quoties*, or as often as such Dammages shall accrue, and to be sued for as aforesaid.

Writs of *Scire Facias* to be issued thereon from Time to Time as any Thing becomes due.

CHAP. III.

An Act for employing and providing for the Poor of the Town of *Boston*.

Preamble.

WHEREAS *the Town of* Boston *is grown considerably populous, and the Idle and Poor much increased among them, and the Laws now in Force relating to them, not so suitable to the Circumstances of the said Town, which are different from those of the other Towns in the Province:* Therefore,

Twelve Overseers of the Poor to be chosen in *Boston* & twelve Wards to be appointed.

Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That from henceforth at the anniversary Town Meeting in *March*, for the Choice of Town-Officers, the Town of *Boston* are, and shall be hereby impowered to chuse twelve Overseers of the Poor, who shall be chosen for twelve several Wards respectively, into which the said Town is or shall be divided, each Overseer to have the more especial Care of his particular Ward, yet so as not to exclude the Authority of any other Overseer, as there may be Occasion; which Overseers shall visit their respective Wards, whensoever they may judge there is Occasion, at least once in every Month; and shall also once in every Month assemble together to consider and determine of the most proper Methods for the Discharge of their Office.

Preamble.

And whereas the Poor of the said Town may upon the decay of Trade become still more numerous, and want Means to employ and set themselves to Work in any settled or constant Manner, or by ill Habits become idle and slothful and very burthensome to the Town:

Town of *Boston* impowered to erect a Work-House for the Poor.

Be it enacted by the Authority aforesaid, That in such Case, or whenever the said Town of *Boston* shall, at a legal Town Meeting for that Purpose duly warned, judge it necessary or convenient to erect, provide or endow an House for the Reception and Employment of the Idle and Poor of the said Town, they the said Town are, and hereby shall be authorized and impowered so to do; which House shall be under the Regulation of the Overseers of the Poor, to be annually chosen as aforesaid; and erected, provided for, continued or discontinued, as the said Town shall find or judge their Circumstances require: And the said Town are hereby authorized to make Purchases and receive Donations for endowing the said Work-House, to the Value of *three Thousand Pounds* per Annum; and to sue and be sued in all Affairs of said House; the several Donations to be always applied according to the Will of the Donors.

Overseers of the Poor to regulate it.

The House may be endowed.

And

And be it further enacted, That the Overseers of the Poor of the Town of *Boston*, for the Time being, shall have the Inspection, Ordering and Government of the said House, with Power of appointing a Master or Masters, and one or more Assistants, for the more immediate Care and Oversight of the Persons received into or employed in said House: Which Overseers at their monthly Meetings shall have Power to make Orders and By-Laws for the better and more decent regulating the said House; which Orders shall be binding till the next Town-Meeting, to which they shall exhibit them, and when approved by the said Town at a legal Meeting, shall be obligatory, until revoked by the said Town.

Overseers to appoint the Masters of the House.

Impowered to make By-Laws to be approv'd by the Town.

And be it enacted by the Authority aforesaid, That each one of the Overseers aforesaid shall have Power to send any idle and indigent Person or Persons to the said House for Entertainment and Employment for the space of twenty-four Hours; and any two of the said Overseers shall have Power to continue or send to said House such Person or Persons, till discharged by the major Part of said Overseers at a monthly Meeting: Which Person or Persons the Master or Masters and Assistants are hereby required to receive and employ accordingly.

Overseers to send idle and indigent Persons to the Work-House.

And whereas there are sometimes Persons rated to the publick Taxes, who are notwithstanding unable or negligent to provide Necessaries for the Sustenance and Support of their Children:

Be it enacted, That the Overseers shall have the same Power of binding out into good Families, the Children of such, as where the Parents are rated nothing; provided such Persons are not rated for their personal Estate or Faculty.

And to bind out the Children of such as are not rated for their personal Estate.

And for as much as there is great Negligence in sundry Persons as to the instructing and educating their Children, to the great Scandal of the Christian Name, and of dangerous Consequence to the rising Generation:

Be it further enacted, That where Persons bring up their Children in such gross Ignorance, that they do not know, or are not able to distinguish the Alphabet or twenty-four Letters at the Age of six Years, in such Case the Overseers of the Poor are hereby impowered and directed to put or bind out into good Families, such Children, for a decent and Christian Education, as when Parents are indigent and rated nothing to the publick Taxes; unless the Children are judged uncapable, through some inevitable Infirmity.

And also such Children as are not taught to read.

And in as much as the Division of the Town of Boston *into twelve Wards, and Assignation of each Ward to the more immediate Care of a particular Overseer, will give the aforesaid Overseers Opportunity of a more exact Knowledge of the Town, and all Intruders into it:*

Be it enacted by the Authority aforesaid, That the aforesaid Overseers of the Poor in the Town of *Boston*, be and they hereby are, impowered to warn any and all Intruders, or others, who are not Inhabitants, to depart the Town; and in Case of refusal or neglect, to proceed in the same Manner, and with as full Power, as the Select-Men of said Town, by Law, may or can: And the Constables are hereby required to observe and yield ready Obedience to the Orders and Directions of the Overseers aforesaid, by Virtue and in Consequence of this Act.

Overseers of the Poor to warn Intruders out of the Town.

CHAP. IV.

An Act directing how Meetings of Proprietors in Wharfes or other real Eſtate beſides Lands may be called.

Preamble.

WHEREAS the Laws of this Province have impowered not only the Proprietors of common Lands, but of any other Eſtate or Intereſt to ſue or be ſued; but no Direction being given how a Meeting of ſuch Proprietors may be called: And whereas by Reaſon of the Death or Refuſal of any or the major Part of the Committee impowered to call Meetings of Proprietors in Wharfes, or other real Eſtates, the ſaid Proprietors may be under Difficulties:

For remedying the ſame:

A Juſtice of the Peace to call a Meeting of Proprietors of Wharfes upon Application.

Be it enacted by his Excellency the Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame, That when and ſo often as five or more of the Proprietors in any Wharfes or other real Eſtate or Intereſt whatſoever, ſhall judge a Proprietors Meeting neceſſary, and ſhall make Application to a Juſtice of the Peace within the County where ſuch real Eſtate or Intereſt lies, ſuch Juſtice is hereby impowered to grant a Warrant for ſuch Meeting, directed to one of the Proprietor's aſking the ſame, requiring him to notify the Proprietors of the Meeting, and the Time and Place for the ſame: Which Notification ſhall be in writing poſted up in ſome publick Place within the Town where ſuch Eſtate lies, fourteen Days before the Time appointed for ſuch Meeting; and ſuch and ſo many of the Proprietors as ſhall aſſemble and meet together accordingly, ſhall have Power, by a major Vote of the Proprietors preſent, to chuſe a Clerk to enter all Votes and Orders that ſhall from Time to Time be made at ſuch Meetings; and ſhall be ſworn to the faithful Diſcharge of his Office; and agree upon any other Method of calling Meetings; alſo to chuſe a Committee for managing the Affairs of the Propriety; and alſo to paſs all Orders and Rules for the further managing, improving and ordering ſuch Eſtate or Intereſt as they ſhall agree: The Voices always to be collected according to the Intereſt, where the ſame is known; and no other Affair to be acted at ſuch Meeting, but what is expreſs'd in the Warrant and Notification of ſuch Meeting.

When Suit is brought againſt the Proprietors the Clerk to be ſerved.

And be it further enacted, That when it ſhall happen Suit ſhall be brought againſt any Proprietors in any real Eſtate beſides Lands, the Plaintiff bringing forward ſuch Suit, ſhall cauſe the Clerk of ſuch Propriety or ſome principal Proprietor in ſuch Eſtate, to be ſerved with a Copy of the Writ or Summons, at leaſt thirty Days before the Day of the ſitting of the Court to which the ſame ſhall be returnable.

CHAP. V.

8 W. ch. 3.

An Act in Explanation of and further Addition to the Act for making Lands and Tenements liable to the Payment of Debts.

Preamble.

WHEREAS ſome Doubt has ariſen, whether the Right which the Mortgager hath in Equity to redeem ſuch Land as he has morigaged, may be legally taken by Capias or Attachment upon mean Proceſs, or by Execution, for ſatisfying or paying the Debts of the Mortgager:

For removing whereof:

Be

Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That such Rights in Equity of redeeming mortgaged Lands heretofore have legally been, now are, and hereafter shall be liable to be taken by Capias or Attachment upon mean Process, and by Execution upon Judgment recovered for the Payment of the just Debts of the Mortgager, and the Person at whose Suit the said Right by Equity of redeeming such Mortgaged Lands is taken in Execution, shall have the same and as full and ample Right and Power of redeeming such Lands as the Mortgager himself had or ought to have, an Acknowledgement of Satisfaction in the Margin of the Record of such Mortgages, by the Mortgagee or his Heirs, shall be as sufficient a Discharge thereof to the Creditor who hath redeemed or shall hereafter redeem the same, or to his Heirs, as it would have been to the Mortgager himself or his Heirs.

Rights of redeeming Mortgages liable to be taken by the Creditor of the Mortgager.

Provided, That if the said Right shall by Apprizement in due Form of Law happen to exceed the Sum to be levied with the necessary Charges, the Overplus shall be paid by the Creditor to the Debtor, within three Months after levying the Execution or Publication of this Act.

Overplus to be returned and paid to the Debtor.

Provided also, **and be it further enacted by the Authority aforesaid,** That all Executions that shall hereafter be levied on Lands or Tenements, and the Proceedings thereon, shall at the Charge of the Creditor, within three Months after such levying, be entred in the Office of the Register of Deeds for the County where such Lands lie.

Executions hereon to be enter'd in the Registry of Deedr.

And it is further provided and enacted, That the Debtor whose Right in Equity as aforesaid is taken by Execution as aforesaid, shall have Liberty for the space of one Year next after levying such Execution, of redeeming such his Right, by paying the full Sum levied by Execution on such Right, with lawful Interest, and all Charges arising thereon, and such other Sum or Sums as the Creditor, at whose Suit the Execution was levied, shall have paid to the Person or Persons to whom it was before mortgaged, or to the Mortgager himself.

Debtor allow'd a Year to redeem his Right.

And it is further enacted, That such Person or Persons (at whose Suit such Lands or Right by Equity of redeeming any mortgaged Lands, have been, are, or shall be taken by Execution as aforesaid) shall be as legally and fully intitled to the said Lands or Right of redeeming the Mortgage or Mortgages thereof, as the original Mortgager at the Time of levying the Execution was; and the said Lands or Right of redeeming the same shall be and remain to the said Creditor, and his Heirs and Assigns for ever, unless redeemed by the Mortgager within one Year as aforesaid.

Creditor to have a good Title to the Land.

Acts and Laws,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and Held at *Boston*, upon Wednesday the twenty-eighth Day of *May* 1735. And continued by Adjournments to Wednesday the nineteenth Day of *November* following.

CHAP. I.

An Act more effectually to prevent the Counterfeiting the Bills of Credit on this Province.

Making and uttering of counterfeit Bills to be punished with Death without Benefit of Clergy.

Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That whosoever after the Publication of this Act shall presume to forge, counterfeit or utter any Bill or Bills (knowing the same when uttered to be false and counterfeit) of the Tenor, or in Imitation of any

any of the Bills of Credit on this Province by Law eſtabliſhed, or that ſhall Counſel, adviſe, procure, or any Ways aſſiſt in the forging, counterfeiting, imprinting, ſtamping or ſigning any falſe Bills, or engrave any Plate, or make any other Inſtrument to be uſed for the making any ſuch falſe and counterfeit Bills, every Perſon and Perſons ſo offending, being thereof convicted, ſhall be adjudged to ſuffer the Pains of Death, without Benefit of Clergy.

CHAP. II.

An Act to impower the Collectors of Taxes to require Aid.

Preamble. *WHEREAS the Collectors of the Rates and Taxes oft-times labour under Difficulty in collecting from diverſe Perſons the Sums aſſeſſed on them, and ſometimes are prevented ever collecting the ſame, for that the Law doth not impower the Collectors to require and take Aid to aſſiſt them in diſtreining for the Rates committed to them to collect, and apprehending Perſons who refuſe to pay the ſame; which is to the publick Damage:*

For Remedy whereof:

Collectors of Taxes impowered to demand Aid. **Be it enacted by his Excellency the Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame,** That if any of the Collectors of the Province, County, Town and Precinct Rates and Taxes, when in the Execution of their Office, ſhall be hindred and impeded in collecting the Rates and Taxes committed to them, it ſhall be lawful for ſuch Collectors, if Need be, to require ſome meet Perſon or Perſons, to aid and aſſiſt them therein. And that all Perſons ſo required that

Penalty for refuſing to give Aid. ſhall refuſe their Aid and Aſſiſtance, and ſhall be convict thereof, before one or more of His Majeſty's Juſtices of the Peace in the County where the Offence is committed, ſhall pay a Fine to be diſpoſed of to the Uſe of the Poor of the Town where the Offence may ariſe, not exceeding *forty Shillings*, at the Diſcretion of the Juſtice or Juſtices according to the Circumſtances of the Offence; provided that it appear to the ſaid Juſtice or Juſtices that the Aid ſo demanded as aforeſaid was neceſſary.

And if the Perſon ſo convict will not pay his Fine, the Juſtice or Juſtices may upon refuſal thereof, order ſuch Perſon to the common Goal of the County, there to remain a cloſe Priſoner for the ſpace of forty-eight Hours, or order him to be ſet in the Stocks for the ſpace of two Hours.

An Act,

Paſſed by the Great and General Court or Aſſembly of His Majeſty's Province of the *Maſſachuſetts-Bay* in *New-England*, Begun and Held at *Boſton*, upon Wedneſday the twenty-ſixth Day of *May*, 1736.

CHAP. III.

An Act for Rebuilding the Bridge called *Miles Bridge*, over the River between *Swanzey* and *Barrington*.

Preamble. *WHEREAS the Bridge over the River between* Swanzey *and* Barrington, *in the Country Road, commonly called* Miles Bridge, *has been found very beneficial, and heretofore hath been built and maintained by the ſaid Towns of* Swanzey *and* Barrington, *but of late has been neglected, and is become wholly uſeleſs, very much to the Prejudice of the Publick:*

For Remedy whereof:

Be

Towns of *Swanzey* and *Barrington* to pay the Charge of Building and Repairing *Miles Bridge.*

Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That the Court of General Sessions of the Peace for the County of *Bristol*, be and hereby are impowered and ordered to issue and send forth Warrants to the said Towns of *Swanzey* and *Barrington* respectively, requiring the said Towns to build a good and substantial Cart Bridge cross the said River in the Country Road aforesaid, where the said Bridge did stand, two third Parts to be done by the Town of *Swanzey*, and the other third Part by the Town of *Barrington:* And in Case of Neglect of the said Towns to build the Bridge aforesaid, in Manner aforesaid, for the space of three Months next after their being ordered to do the same by the said Court of General Sessions of the Peace, the said Court of General Sessions of the Peace are hereby impowered and directed to order and set on Work proper Persons to build the aforesaid Bridge, and to levy the Cost and Charge thereof by Warrant of Distress on the Estate of the said Towns of *Swanzey* and *Barrington*, and for want thereof on their Inhabitants; two Thirds thereof on the said Town of *Swanzey*, and the other Third on the Town of *Barrington*; but in Case one of said Towns only should refuse or neglect to do their porportionable Part of said Bridge as aforesaid, then the said Court of General Sessions of the Peace are hereby impowered and directed to order and imploy proper Persons to perform and do the same, and levy the Cost and Charge thereof by Warrant of Distress as aforesaid, on such defective Town; and in likeManner from Time to Time for ever hereafter, the said Court of General Sessions of the Peace, are hereby impowered and directed to order the repairing, and rebuilding, and keeping in good Condition the aforesaid Bridge.

Acts and Laws,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and Held at *Boston* upon Wednesday the twenty-sixth Day of *May*, 1736. and continued by several Prorogations unto Wednesday the twenty-fourth Day of *November* following, and then met.

CHAP. I.

An Act to prevent the tearing and defacing the Bills of Credit on this Province and the neighbouring Governments, as also the passing of the same after they are torn and defaced.

Preamble.

WHEREAS by the tearing the Bills of Credit on this Province, and on the neighbouring Governments into Halves and Quarters, and then passing the same so torn and defaced, many Frauds have been committed by taking and joining Bills of a lower Denomination to those of a higher Denomination, and so uttering and passing the same; and likewise Parts of false and counterfeit Bills in Parts separate, or joined to Parts of true Bills, and thereby many of His Majesty's good Subjects of this Province have suffered considerable Loss and Dammage, and are likely to suffer more:

For Prevention whereof:

Parts of Bills of Credit forbidden to pass.

Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That whosoever shall after the Publication of this Act, presume to tear or deface any of the Bills of Credit on this Province, or the neighbouring

ing Governments, *viz.* (*New Hampſhire*, *Connecticut*, or *Rhode-Iſland*) or to utter and paſs, after the firſt Day of *June* next, any ſuch Bills in Quarters or Halves, every ſuch Perſon being convicted thereof before any one of His Majeſty's Juſtices of the Peace in the County where the Offence ſhall be committed, or the Perſon offending lives, ſhall forfeit the Sum of *forty Shillings*, to be applied the one Half to the Uſe of the Town where the Conviction ſhall be made; the other Half to the Proſecutor: And in Caſe the Offender ſhall be unable to pay the Fine and Coſts of Proſecution, then he or ſhe ſhall ſuffer ſeven Days Impriſonment.

Treaſurer forbidden to receive Parts of Bills after *June*.

And the Treaſurer of the Province ſhall not after the firſt Day of *July* next, receive as Payment for any publick Debts or otherwiſe into the Treaſury, three Quarters, Halves or Quarters of Bills of any Denomination, unleſs the Perſon offering the Part or Parts of ſuch Bills, make Oath before him (who is impowered to adminiſter the ſame) in the Words following, *viz.*

Unleſs Oath be made, &c.

YOu A. B. *do ſwear, That you did not receive this Quarter of a* twenty Shilling *Bill by it ſelf, but received the whole* twenty Shilling *Bill, and that it was torn by Accident ſince it came into your Poſſeſſion.* So help you GOD. Or has made the ſame Oath, *mutatis mutandis*, according to the Parts and Value of the Bills torn, before one of His Majeſty's Juſtices of the Peace, who ſhall certify the ſame to the Province Treaſurer under his Hand.

Parts of Bills to be exchanged.

Be it further enacted by the Authority aforeſaid, That all the Bills of Credit on this Province that are torn in Halves and Quarters, ſhall be brought into the Treaſury forthwith, to be exchanged for the Value of the Parts of ſaid Bills ſo ſoon as the Treaſurer ſhall be ſupplied with a ſufficient Number of new Bills for exchanging the ſame.

And for the Ends aforeſaid,

This Act to be read in Town-Meeting in *March*.

Be it enacted by the Authority aforeſaid, That this Act ſhall be read in the anniverſary Meetings of the ſeveral Towns of this Province in *March* next.

CHAP. II.

An Act for making more effectual Proviſion for the Service of Original Summons upon mean Proceſs.

Preamble.

WHEREAS *in and by an Act made and paſſed in the thirteenth Year of the Reign of His Majeſty King* William *the third, it is provided*, "That "original Proceſs may be by Summons, Capias or Attachment", *and ſome Diſputes have ariſen with Reſpect to the Manner of ſerving ſuch Summons, which hath been attended with many Inconveniencies*:

For Remedy whereof;

Copy of an original Summons left at the Defendant's Houſe to be a ſufficient Service

Be it enacted by his Excellency the Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame, That the Service of an original Summons upon any Perſon, either in his private Capacity, or in the Capacity of Executor or Adminiſtrator, or any other Qualification whatſoever, ſhall be as good and valid in Law, to all Intents and Purpoſes whatſoever, by an atteſted Copy of ſuch Summons being left by the Officer at the Houſe or uſual Place of Abode of the Defendant, at leaſt fourteen Days before the ſitting of the Court, as if he had been ſerved therewith in his own Perſon.

Proviſo.

Provided, That if the Defendant againſt whom ſuch Suit is brought, be out of the Province at the Time of ſuch Service, he ſhall have the ſame Benefit as to a Continuance of the Action, as is by Law provided in Suits where Goods and other Eſtate is attached.

CHAP.

CHAP. III.

An Act in addition to an Act Intitled, *An Act for High-Ways.*

1 G II ca. 1.

WHEREAS in and by an Act Intitled, An Act in Addition to an Act Intitled, An Act for High-Ways, *made and passed in the first Year of the Reign of His present Majesty,* it is enacted, "*That no private Way or Ways laid out by the Select-Men of a Town shall be esteemed private Ways for such Town, nor committed to Record, unless such Town at their annual Meeting in* March, *shall by a major Vote allow and approve thereof:*" *But no Provision is made for applying for Remedy to the Justices of the General Sessions of the Peace when any Town unreasonably refuses to allow and approve of any private Way laid out as aforesaid, and to put the same on Record; which may be very detrimental to particular Persons desiring the same:* Preamble.

For Remedy whereof:

Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That when any Town shall unreasonably refuse or delay to allow and approve of any private Way laid out by the Select-Men, and to put the same on Record, that then and in such Cases any Person or Persons who think themselves aggrieved hereat, may have Liberty to make their Application to the Court of General Sessions of the Peace held for that County in which the Way lies (provided it be within twelve Months from the Refusal or Delay of said Town) who are hereby authorized and impowered by a Committee of disinterested Persons whom they shall appoint, to lay out, or cause to be laid out, such particular or private Ways within or for such Town as may be petitioned for as aforesaid, so as no Dammage be done to any particular Person in his Land or Propriety, without due Recompence to be made, either by the Town if it be of general Benefit, or otherwise by such of the Inhabitants as have the Benefit thereof, and desire the same, as shall be adjudged and ordered by the Justices in their Sessions as aforesaid; and said Court are hereby authorized and impowered to inquire into the Dammages by a Jury, to be summoned for that Purpose by the Sheriff or Coroner, as the Case may require, and shall make up Judgment with Respect to the Dammages according to Verdict of that Jury, which Judgment shall be final. Persons aggrieved by any Towns refusing to allow a private Way, may apply to the General Sessions for Relief.

CHAP. IV.

An Act in further addition to an Act directing the Admission of Town Inhabitants, made and passed in the thirteenth Year of the Reign of King *William* the third.

BE it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That the Inhabitants of the several Towns within this Province, who shall receive admit and entertain any Person or Persons not being Inhabitants of such Towns, either as Inmates, Boarders or Tenants in the House where such Person dwells, or in any other House of his whatsoever, within this Province, or under any other Qualifications, for more than the space of twenty Days, and shall not in writing under their Hands, give an Account to one or more of the Select-Men, or the Town Clerk of such Town, of all such Person or Persons so received, admitted or entertained by them, No Strangers to be entertained in a Town above twenty Days, without giving Notice to the Select-Men, &c.

them, with the Time they first received them, and the Place from whence they last came, together with their Circumstances as far as they can, shall for every such Neglect, forfeit and pay the Sum of *forty Shillings*, to be recovered by Bill, Plaint or Information, before any Justice of the Peace, or in any of His Majesty's Courts of Record within this Province; the one Half of the said Fine to be employed to and for the Use of the Poor of the Town where such Offence shall be committed, the other Half to him or them that shall inform and sue for the same; and they shall be liable to answer all Charges that may arise in the said Town, by receiving and entertaining such Person or Persons as aforesaid, to be recovered by the Town Treasurer, or Select-Men where no Town Treasurer is appointed, who are hereby respectively impowred to bring an Action accordingly.

Penalty.

Charge of warning Persons how to be paid.

And be it further enacted by the Authority aforesaid, That all Cost and Charges arising by warning any such Persons as are not Inhabitants out of Town, entring the Caution, or carrying them out of Town, shall be defreyed and paid by those who received and entertained such Person or Persons in their Houses as aforesaid, and shall be recovered by the Town Treasurer, or Select-Men, where no Treasurer is appointed, who are hereby respectively impowered to bring an Action accordingly.

Accompt of Charge to be exhibited by the Town-Treasurer or Select Men.

And the Town Treasurer or Select-Men of the respective Towns in this Province, are hereby directed and ordered, before they bring their Action, to exhibit to such who receive and entertain any Person or Persons in their Houses as aforesaid, an Account of the Charge arising thereby; and upon refusing to pay the same within five Days, they shall be liable to pay said Charge, and be deprived of any Benefit by their Notification, tho' given within the twenty Days as aforesaid.

CHAP. V.

An Act for the more effectual preventing and punishing of Theft.

Preamble.

WHEREAS the Punishments already provided by Law against Stealing, have proved ineffectual, and even those that have suffered the Penalty in such Cases, have been so bold and hardy as to perpetrate their Wickedness a second *and even a* third *Time:*

For the more effectual preventing whereof;

Second Theft to be punished by sitting on the Gallows & whipping.

Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That from and after the first Day of *May* next, if any Person who stands convict upon Record, either before a Justice of the Peace, or in any Court of General Sessions of the Peace within this Province for Stealing, shall after that presume to steal any Money, Goods or Chattels, to the Value of *forty Shillings* lawful Money, and be thereof convict by due Course of Law, before the Court of Assize and General Goal Delivery, holden within any of the Counties of this Province, he or they for such Offence, shall, besides paying treble the Value of such Money, Goods or Chattels so stolen to the Party injured, together with Cost and Charges of Prosecution, be set upon the Gallows for the space of one Hour, with a Rope about his Neck, and one End thereof cast over the Gallows, and be severely whipt, not exeeeding thirty Stripes.

Third Theft to be punish'd with Death.

And be it further enacted by the Authority aforesaid, That if any Person convicted of a second Theft, in Manner as aforesaid, shall presume a third Time to steal any Money, Goods or Chattels, to the value of *three Pounds* lawful Money, and be thereof convict by due Course of Law, he shall be adjudged to suffer the Pains of Death, without Benefit of Clergy.

CHAP.

CHAP. VI.

An Act for the better regulating of the Service of Executions, as well by Sheriffs as Coroners, more especially in the remote Counties of the Province.

Preamble.

WHEREAS the Superiour Court of Judicature, Court of Assize and General Goal Delivery, sits but once in the Year, in many of the Counties of this Province, so that Executions upon Judgments obtained in those Counties (at the Superiour Court) are returnable but once a Year, whereby the Creditor is or may be kept for a long Time out of his just Debt, while in the other Counties of the Province the Writs are returnable every six Months:

Executions to be returnable in six Months.

Be it therefore enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That from and after the Publication of this Act, the Clerks of the Superiour Court of Judicature, Court of Assize and General Goal Delivery, are hereby authorized and directed to make all Executions on Judgments obtained at the said Courts in such Counties where the said Court sits but once in the Year, returnable into the Clerk's Office, at the End of six Months from the Date thereof; and the Clerks of said Courts are further authorized upon the return of such Execution, to renew or make out an alias Execution for the whole, or the remainder, as the Case may be, returnable at the next Superiour Court, to be held in and for such County.

Alias Executions then to be made out in Case.

And whereas it has been thought warrantable for the Sheriff or Coroner that have, by Virtue of Executions to them committed, after they have taken the Whole or Part of the Debt, to detain the same from the Creditor until the Return of the Execution:

For Remedy whereof:

Money levied by Execution not to be detained in the Officer Hands;

Be it further enacted by the Authority aforesaid, That when and so often as any Sheriff or Coroner shall have levied or taken the Whole or Part of the Debt, by Virtue of the Execution, he shall within twelve Hours after the Receipt of said Money, deliver the same to the Plaintiff, Creditor, or any Person authorized by him, upon Demand being made thereof in the Town where the Officer dwells: And in Case the Demand is made in another Town in said County, then he shall be allowed forty eight Hours to pay the same: And upon his Neglect or Refusal as aforesaid, shall forfeit to the Creditor, treble the lawful Interest of the Sum so taken and detained by the Sheriff or Coroner, being convicted thereof, before the Court where the Writ of Execution is returnable.

Penalty for detaining it when demanded.

CHAP. VII.

An Act obliging the Coroners within the several Counties of this Province to give Security for the due Performance of their Office.

Preamble.

WHEREAS by Virtue of several Acts or Laws of this Province, the Coroners of the Counties are enabled in some Cases to serve and execute Writs in Civil Actions, as well original as judicial, but are not obliged to give Bond for the faithful Discharge of that Trust; whereby the Creditor or Plaintiff in such Process may be in Danger of suffering Dammage:

Coroners to give Bond before they serve Writs.

Be it therefore enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That from and after the twenty-fifth Day of *March*, which will be in the Year of our Lord One Thousand seven Hundred and thirty seven, no Coroner shall have Authority to serve any Process or Writ, original or judicial, tho' to him directed, until such Time as such Coroner shall have given sufficient Security, for his faithful Behaviour, in the serving and executing all such Writs as aforesaid, as shall be committed to him, pursuant to the Laws of this Province, to the Satisfaction of the General Sessions of the Peace in the County where such Coroner lives; the Bond to be made payable to the Treasurer of such County, for the Use and Benefit of the Person or Persons that may be injured by the Failure of the Coroner in that Behalf.

Coroners answerable for their Deputies

And be it further enacted by the Authority aforesaid, That the several Coroners within this Province shall be answerable in the Law for their respective Deputies, in the same Manner that the Sheriffs within this Province are answerable by Law for their respective Under-Sheriffs and Deputies, with Respect to the due Execution of their Office.

Acts and Laws,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and Held at *Boston* upon Wednesday the twenty-fifth Day of *May* 1737. and continued by Prorogation and Adjournments to Wednesday the thirtieth Day of *November* following.

CHAP. I.

An Act in Addition to an Act Intitled, An Act for directing how Rates and Taxes, to be granted by the General Assembly, as also County, Town and Precinct Rates shall be assessed and collected.

Preamble.

WHEREAS *in and by an Act made and pass'd by the Great and General Assembly, in the fourth Year of His Majesty's Reign, it was provided,* "That when and so often as the Treasurer of the Province shall send out his "Warrant of Distress against any defective Constables, Sheriff or Under-She- "riff, the Officer executing the same, shall destrain and levy the Lands or Te- "nements of said defective Constable, Sheriff or his Deputy for their or any of "their Defaults, in not collecting or not paying into the Treasury, any Sum "or Sums of Money, which ought to be by them collected, levied and paid in "as aforesaid, and cause due Apprizement to be made of any Houses or Lands "so levied, by the Oath of two or three Freeholders in the same County, "(which Oath any Justice of the Peace is hereby impowered to administer) and "after Apprizement to make Sale of such Houses and Lands, and give good "and lawful Deed or Deeds for the same;" *which Apprizement and Sale, not being sufficient to secure the Province, County or Towns where such Lands or Tenements lie:*

For Remedy whereof:

Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That when and so often as any Warrant of Distress shall be sent forth by the Treasurer of the Province, or Treasurer of any County, Town or Precinct,

Precinct, to the Sheriff or his Deputy, or to the Coroner, to levy the Lands or Tenements of any defective Constable, Sheriff or Deputy, in such Case it shall be lawful for the Officer executing such Warrant of Distress, upon Apprizement made as aforesaid, to make Sale of such Houses and Lands to the highest Bidder, and give good and lawful Deed or Deeds for the same; having first given publick Notice of Time and Place of Sale at least thirty Days in the Town where such Lands or Tenements lie, as also in the two adjacent Towns: And in Case the Produce of such Houses or Lands shall not satisfy the Sum or Sums mentioned in said Warrant or Warrants of Distress, together with reasonable Charges arising thereon, then the Treasurer sending forth such Warrant, shall issue an alias Execution or Warrant for such remaining Sum or Sums; and the Officer executing the same, for want of Estate, shall take the Body of such defective Constable, Sheriff or Deputy, and him commit unto His Majesty's Goal in the County whereto he belongs, until he shall pay the same.

Houses and Lands of defective Constables, &c. taken on Execution to be sold.

And if not sufficient the Body of such Constable, &c. to be taken.

CHAP. II.

An Act to enable the Proprietors of the several Townships lately granted by the General Court to raise Moneys for defraying the Charges of settling the same.

WHEREAS the Proprietors or present Possessors of several Townships granted by this Court, have passed Votes for the raising several Sums of Money upon their Rights or Lots, to defray the necessary Charges of bringing forward the Settlement of the said Townships; which Votes have not been complied with by the several Proprietors, nor is there any Method as yet prescribed to render the said Votes effectual, or other Votes which the Proprietors may hereafter make:

Preamble.

Be it therefore enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That when any Person or Grantee of such new Plantation or Township already granted by this Court, where the Condition of the Grant is not fulfilled, shall neglect or delay to pay the Treasurer or Committee of such Township such Sum or Sums of Money, as shall be from Time to Time voted to be raised on their Lands or Rights, for thirty Days after such Rate or Tax is made and published in the Shire Town of the County where such Lands lie, and in the Town where the Clerk of such Proprietors shall live, as also in such other Town or Towns as have heretofore been, or as the said Proprietors shall appoint, for the notifying of Meetings; and in thirty Days after, the Grantee or his Assigns may be notified thereof by advertising the same in one or more of the News-Letters; that then the Committee chosen by such new Plantation or Township, or the major Part of them, may and hereby are fully impowered at a publick Vendue (Notice thereof in the publick Prints as aforesaid being given) to sell such delinquent Proprietors Lots and after Rights in said Township, to such Person or Persons as may appear to give most for the same, and will give Bond to the Committee, or other Person appointed by the General Court to take Bond for the Performance of the Conditions of the original Grant, and the original Grantee shall have his former Bond given up and delivered him if he desire the same; the Money arising on such Sale to be applied for the defraying such delinquent Proprietors Rate or Tax; and the Overplus, if any there be (after all Charges arising about the same are subducted) shall be paid, the one Half to the Treasurer of said Township for the general Use and Service of the said Township, and the residue to the said delinquent Proprietor, his Heirs or Assigns.

Lands of delinquent Grantees in the new Townships to be sold, in Case.

Disposition of the Produce of such Sale.

Proviſo. *Provided always*, That if ſuch Proprietors are not Inhabitants of this Province, that then there be reſerved to them, their Heirs or Aſſigns, a Liberty of Redemption of ſuch Rights, they paying the Purchaſer or Grantee, or their reſpective Heirs, within ſix Months, ſuch Sum as the Lands ſold for, with the Coſts ariſen by Improvement made thereon, and double Intereſt, until the ſame be redeemed.

Proviſo. *Provided alſo*, That where any Grantee has brought forward a Settlement, and is in the actual Poſſeſſion of his Right, that then and in ſuch Caſe ſo much only, and no more, of his Right ſhall be ſold as may be ſufficient to defray ſuch Proprietors Rate, and the Charges ariſing on the Sale.

Acts and Laws,

Paſſed by the Great and General Court or Aſſembly of His Majeſty's Province of the *Maſſachuſetts-Bay* in *New-England*, Begun and Held at *Boſton* upon Wedneſday the thirty-firſt Day of *May* 1738. and continued by Prorogations unto Wedneſday the twenty-ninth Day of *November* following.

CHAP. I.

An Act for better ſecuring the Value of the Bills of publick Credit on this Province.

Preamble. *WHEREAS the Emiſſion of great Quantities of Bills of publick Credit, without certain Proviſion for their Redemption by lawful Money in convenient Time, have already ſtript us of all our Money, and brought them into Contempt, to the great Scandal of the Government; and for the Remedy thereof, this Province have fixed the Value of their Bills in lawful Money, and the Time of their Redemption in* One Thouſand ſeven Hundred and forty one; *yet the neighbouring Governments, whoſe Bills have been received by the Inhabitants of this Province promiſcuouſly with our own, have taken no Care to fix any certain Value on theirs, and by that Means our good Intention may be fruſtrated, unleſs ſpecial Proviſion in this Caſe be made:*

Perſons forbid to paſs or receive Bills on the Neighbouring Governments, iſſued ſince *May* 1738. **Be it therefore enacted by his Excellency the Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame,** That no Perſon ſhall hereafter utter, or offer to put off, take or receive any Bill or Bills of Credit on any of the neighbouring Governments, that ſince the firſt of *May* laſt have been, or hereafter ſhall be emitted, unleſs they are made redeemable by lawful Money upon good Security, (and it ſo appear by the Tenor, and upon the Face of the Bill) within ten Years after their firſt Emiſſion, on Pain of forfeiting *ten Pounds* for every ſuch Bill ſo uttered or offered to be put off, or taken, or received in Payment of any Debt, Purchaſe of any Goods, or for any valuable Conſideration whatſoever; to be recovered by Action of Debt, Bill, Plaint, or Information, in any Court of Record; one Half to the Uſe of him that ſhall inform and ſue for the ſame, and the other Half to the Uſe of the Poor of the Town where the Offence ſhall be committed.

Penalty.

Encouragement to the Informer. **And be it further enacted,** That any Perſon that ſhall utter or receive any of the Bills aforeſaid, and ſhall firſt inform againſt, and proſecute the other Party concern'd therein, ſo that he be convict of uttering or receiving ſuch Bills, the ſaid Proſecutor or Informer ſhall be indemnified from the Penalty in this Act, and ſhall likewiſe be intitled to one Half of the Forfeiture as before expreſſed.

Proviſo. *Provided*, That all Suits or Proſecutions for any Breaches of this Act ſhall commence within twelve Months from the Time the Offence is committed.

CHAP.

CHAP. II.

An Act in Addition to an Act for the Relief of and to prevent the Oppreſſion of Debtors.

Preamble.

WHEREAS *the Merchandize, Trade and Buſineſs of* New-England, *hath for many Years paſt, till this Time, been managed by Bills of publick Credit, as well on the neighbouring Governments as on this Province; which have by Courteſy promiſcuouſly ſerved as a Medium of Exchange, and have been alike univerſally paſs'd in all Payments:*

Bills of the neighbouring Governments to anſwer Specialties to the Creditor being an Inhabitant of ſuch Government.

Be it therefore enacted by his Excellency the Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame, That no Inhabitant of this Province for any Debt heretofore contracted, or hereafter to be contracted, with any of the Inhabitants of the neighbouring Governments of *New-England*, by Specialty or otherwiſe, that may be diſcharged by the Bills of publick Credit on this Province, ſhall be ſued, or have his Perſon or Eſtate taken by mean Proceſs, or in Execution, where ſuch Debtor ſhall tender the Payment of his juſt Debt in ſuch Bills of publick Credit on that Government to which his Creditor belongs, as were emitted before the twenty-fifth of *March* laſt, but ſuch Creditor ſhall be obliged to accept the ſame, or be for ever barred from any further Demands of ſuch Debt; unleſs the Creditor ſhall make Oath that the Debtor *bona fide*, received, in Conſideration of the Debt ſued for, Bills of Credit on this Province, either in whole or in Part; in which Caſe the Debtor ſhall pay the ſame proportionably in ſuch Province Bills.

Saving.

CHAP. III.

An Act in addition to an Act made in the eleventh Year of His Majeſty's Reign, Intitled, An Act to enable the Proprietors of the ſeveral Townſhips lately granted by the General Court, to raiſe Moneys for defreying the Charges of ſettling the ſame.

Preamble.

WHEREAS *in and by ſaid Act Proviſion is only made for the enforcing the Payment of ſuch Sum or Sums of Money as ſhall be from Time to Time hereafter voted to be raiſed, which not being ſufficient to anſwer or effect the End propoſed:*

Lands of delinquent Proprietors in the new Towns to be ſold for paying Taxes.

Be it therefore enacted by his Excellency the Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame, That when any Grantee or Proprietor of ſuch new Plantation or Townſhip, which is already or that ſhall hereafter be granted, where the Conditions of the Grant are not fulfilled, ſhall neglect or delay to pay unto the Treaſurer or Committee of ſuch Townſhip, ſuch Sum or Sums of Money as by the Proprietors thereof have heretofore been voted to be raiſed, as well as thoſe that hereafter ſhall be voted to be raiſed upon their Lands or Rights, for thirty Days after ſuch Rate or Tax is made or publiſhed as in and by ſaid Act is directed, and the Sale be notified in the *Boſton Gazette* twenty Days before the ſame be made: The Committee choſen by ſuch new Plantation or Townſhip, or the major Part thereof, are hereby fully impowred to proceed in the Sale of ſuch delinquent Proprietors Lands, as in and by ſaid Act is already made and provided.

CHAP.

CHAP. IV.

An Act for the more effectual obliging of Executors to Inventory the Estate of their Testators.

Preamble. *WHEREAS notwithstanding the Provision by Law heretofore made, Executors many Times refuse to Inventory the Estate of their Testators, to the great Disadvantage and Injury of the Creditors and Legatees of the Deceased:*

Executors to give in an Inventory. **Be it therefore enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same,** That every Executor that hath or shall take that Charge upon him, and against the Tenor of the Law in that Case provided, shall hereafter neglect to give in a full and true Inventory of the whole Estate of the Deceased, so far as is then come to his Hands or Knowledge, being duly served with a Citation from the Judge of Probate to that Purpose, shall stand chargeable with all the Debts and Legacies of his Testator, as his own proper Debts; and over and above the Penalty already provided, shall forfeit the Sum of One Hundred Pounds a Month, for every Month's Neglect thereof; to be recovered by any uncertain or residuary Legatee of the said Testator, by Action of Debt, Bill, Plaint or Information in any Court of Record, and to be equally divided between the said uncertain and residuary Legatees, excluding such Executor from any Part thereof.

Penalty of £100 for each Months Neglect.

CHAP. V.

An Act in further addition to an Act Intitled, *An Act for the due Regulation of Weights and Measures*, made in the fourth Year of their late Majesties King *William* and Queen *Mary*.

4 *W.* & *M.* ca. 13. 12 *W.* ca. 11 4 *A.* ca. 2.

Towns to be furnished with Wine Measures. **Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority aforesaid,** That each Town within this Province shall within six Months next after the Publication of this Act, be further provided with one Wine Gallon and one Wine Quart, to be kept and used only as Standards in such Towns. And the Select-Men of every such Town, whose Standards of Beams, Weights and Measures have not within three Years last past been tried and proved by the Province Standards, shall on or before the first Day of *June* next, send all the Beams, Weights and Measures, which such Town is, either by this or any other former Act, obliged to keep as Standards, into the Province Treasury, and there have them tried, proved and sealed as the Law directs, on Penalty of forfeiting the Sum of *fifty Pounds*; one Moiety to his Majesty towards the Support of the Government within this Province, and the other Half to him or them who shall inform and sue for the same. And every Town shall once in every five Years have their Standards tried and proved by the publick Standards, on Penalty of forfeiting the like Sum of *fifty Pounds* for the Uses aforementioned. The Forfeitures and Penalties aforementioned to be recovered by Action, Bill, Plaint or Information, in any of His Majesty's Courts of Record within this Province, or by Presentment of the Grand Jury, who are required to present all Breaches of this Act.

Standards of Weights and Measures to be tried anew.

Penalty.

Provided

Provided always, That in Caſe the Juſtices of the Peace at their Seſſions in either of the Counties within this Province, ſhall at the Charge of ſuch County procure for Standards, a Beam and all ſuch Weights and Meaſures, as are directed by Law to be kept in the Province Treaſury, and ſhall once every five Years try and prove them by the Province Standards, any Town may have their Standards tried and proved by the Standards of the County wherein ſuch Towns lie, and it ſhall be accounted as ſufficient and valid as if tried and proved by the Province Standards. The ſaid Standards to be kept by the County Treaſurer, who ſhall have the ſame Fee for proving and ſealing Weights and Meaſures as is by Law allowed to the Province Treaſurer. Provido for County Standards.

And be it enacted by the Authority aforeſaid, That the Sealer duly appointed in each Town within this Province from Time to Time, is hereby directed and impowered, inſtead of ſending out his Warrant in the Month of *April*, to ſend forth his Warrant ſometime in the Month of *May* annually to the Conſtable or Conſtables, requiring him or them to warn all the Inhabitants of ſuch Towns, to bring in both the great and ſmall Beams, Weights and Meaſures, which they make uſe of, at ſuch Time and Place as he ſhall appoint. And ſuch Conſtables are hereby obliged within ſix Days, after having received ſuch Warrant, to warn all the Inhabitants, and return to the Sealers a Liſt of all Perſons ſo ſummoned. Town Sealers to iſſue out their Warrants for bringing Weights and Meaſures to be ſealed.

And each Sealer and Conſtable neglecting his Duty herein, ſhall for each Neglect forfeit and pay the Sum of *forty Shillings*, to be levied by Diſtreſs by Warrant from any Juſtice of the Peace of the County where the Offence is committed. Penalty for Sealers or Conſtables Neglect.

And be it further enacted by the Authority aforeſaid, That if any Perſon ſhall refuſe or neglect to bring or ſend in his Beams, Weights and Meaſures to the Sealers, in order to be tried and proved by the Town Standard, for the ſpace of ſeven Days next after legal Warning has been given ſuch Perſon for that Purpoſe, every Perſon ſo offending ſhall forfeit and pay the Sum of *forty Shillings*; one Moiety thereof to the Poor of the Town where ſuch Offence ſhall be committed, and the other Moiety to the Sealer, who is hereby obliged to inform and ſue for the ſame; to be heard and determined by one or more of His Majeſty's Juſtices of the Peace of the County where the Offence ſhall be committed. Penalty for not bringing in Weights and Meaſures to be ſealed.

And whereas it hath been found that the Fees already allowed by Law to the Sealers of Weights and Meaſures are inſufficient:

Be it enacted by the Authority aforeſaid, That every Sealer ſhall be paid by the Owners of all ſuch Beams, Weights, Scales and Meaſures, as ſhall be by ſaid Sealer found not conformable to the Town Standard, *one Penny* over and above what is already allowed by Law, for each Beam, Weight and Meaſure, and alſo *one Penny* for every Beam, Weight and Meaſure which ſhall be found conformable to the Town Standard upon his trying and proving them. Additional Fees to the Sealers.

And be it further enacted by the Authority aforeſaid, That if any Perſons ſhall, after the Publication of this Act, ſell or expoſe to Sale any other Beams, Weights or Meaſures, than ſuch as have been tried, proved and ſealed according to Law, ſhall forfeit and pay the Sum of *forty Shillings* for each Offence, for the Uſes as laſt before mentioned, and to be heard and determined by one or more of His Majeſty's Juſtices of the Peace. Fine for expoſing to ſale Weights Beams and Meaſures not ſealed.

And it is hereby further ordered and declared, That the ſeveral Acts for regulating Weights and Meaſures, be publickly read in each Town at their anniverſary Meeting in *March*, from Time to Time. Acts about Weights and Meaſures to be read in the *March* Meetings.

An Act,

Passed by the Great and General Court or Assembly of the Province of the *Massachusetts-Bay* in *New-England*, Begun and Held at *Boston* upon Wednesday the thirtieth Day of *May* 1739.

CHAP. VI.

An Act to enable the Executors or Administrators of deceased Farmers of Excise to collect such sums as are due to them at the Time of their Decease.

Preamble.

WHEREAS *the Law of this Province past'd in the tenth and eleventh Years of the Reign of His present Majesty King* GEORGE *the Second, Intitled*, An Act for granting unto His Majesty an Excise upon Wines and Spirits distill'd, sold by Retail, and upon Lemons and Limes, *has made no Provision how any Sum due to a Farmer of Excise, shall be collected after his Decease, by Reason whereof Difficulties have and may arise:*

Executors or Administrators of Farmers of Excise to collect the Excise due.

Be it therefore enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That when any Farmer of Excise shall die before any Sum or Sums due to him for any Duties of Excise shall be collected by him, it shall and may be lawful for the Executors or Administrators of such deceased Farmer or their Attorneys specially appointed for that Purpose, to collect all such Sums as aforesaid, as also to do and perform all such Matters and execute all such Powers as the Farmer himself was enabled to do by any Law of this Province.

Acts and Laws,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and Held at *Boston* upon Wednesday the thirtieth Day of *May* 1739. and continued by Prorogations to Wednesday the fifth Day of *December* following.

CHAP. I.

An Act in Explanation of sundry Acts heretofore made, referring to the Admission of Town Inhabitants.

Preamble.

NOtwithstanding *the Provision made by the Act past'd in the twelfth and thirteenth Years of King* William *the third, (Intitled*, An Act directing the Admission of Town Inhabitants) "That no Town shall be obliged to be at Charge for the Support of any Person residing there, unless such Person have continued in such Town (without being warned to depart thence) by the space of twelve Months, or else have obtained the Approbation of the Town, or the Select-Men thereof for his dwelling there: *Yet inasmuch as it is not expresly declared in what Way and Manner such Approbation shall be given, some Doubt hath thereupon arisen, whether the Select-Men or Assessors in any Town, their rating or assessing any Person residing there, to Town Charges, and the Inhabitants reaping the Benefit of his Rate, ought not (within the Meaning of the said Act) to have the Force of an Approbation for such Persons dwelling there, so far as to subject such Town to the Charge of his Support in Case he stands in Need; by Means whereof sundry Disputes and expensive Law-Suits have arisen and may arise unless prevented by this Court:*

Be

Be it therefore enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That no Town shall be obliged to be at Charge for the Support of any Person resident in such Town that hath not continued there so long as to become an Inhabitant, unless he have obtained the Approbation of the Town (at a Meeting of the Inhabitants regularly assembled) or the Approbation of the Select-Men (at their Meeting) for his dwelling there; such Approbation of the Select-Men to be given in writing under their Hands or under the Hands of the major Part of them: And no Act of the Select-Men or Assessors in rating or assessing any such Person unto any Charges whatsoever, shall subject such Town to any Expences for his Support.

When Persons to be esteemed Inhabitants of any Town.

Their being rated not to make them so

And whereas upon the first Paragraph in the Act made in the fourth and fifth Years of his present Majesty's Reign, and likewise that made in the tenth Year of the same Reign, directing the Admission of Town Inhabitants, which relates to the Charges which the Inhabitants of any Town shall be liable to answer, who shall admit and entertain any Person (not being an Inhabitant of such Town) in his House as Tenant or otherwise, for more than twenty Days, and shall not in writing give such Account to one of the Select-Men or Town-Clerk of such Town, as in said Act is prescribed; a Doubt hath arisen whether the Words [all Charges] *are to be construed to extend to the Charges of supporting the Persons so received and entertained, which may arise after he shall have continued in such Town so long as to become an Inhabitant:*

Preamble.

Be it therefore declared and enacted by the Authority aforesaid, That the Words [*all Charges*] in the said Paragraph do extend to and include the Charge of supporting the Person so received and entertained after he shall have continued his Residence in such Town so long as to become an Inhabitant; and that such Charges may be recovered at any Time after they have arisen, although the Term limitted for the Continuance of the said Act or Acts may (at the Time of bringing the Suit) be expired.

And it is hereby further declared and enacted by the Authority aforesaid, That no Forbearance of the Select-Men to warn the Person received and entertained as aforesaid to depart the Town, shall free the Inhabitant of such Town by whom he was admitted and entertained from the Charge aforesaid, who shall violate the said Act by neglecting to give Account or Notice in Manner as is therein directed. And each Person offending (in Violation of said Act) shall be liable to answer the whole of the Charge incurred for the Relief of the Person by him admitted and entertained as aforesaid; and all such Charges are and ought to be understood and accounted to have arisen and accrued to the Town by Reason only of such his Mis-deed and Neglect; any others in like Manner offending notwithstanding.

For Forbearance of the Select-Men to warn Persons out of Town, not to excuse those that entertain them.

And that the several Acts aforesaid, are and were intended as herein explained, and ought always so to be understood and put in Execution.

CHAP. II.

An Act in addition to an Act Intitled, An Act in further addition to the several Acts or Laws of this Province relating to the Office and Duty of a Coroner.

WHEREAS some of the Coroners within this Province have of late greatly multiplied their Deputies, and under Colour of such Deputation, Persons have pretended to be exempted from Duties and Services whereto by Law they are liable:

Preamble.

Coroners not to appoint Deputies but for particular Occasions.

No Coroners Deputies to be excused from Duties.

Be it therefore enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That from and after the first Day of *March* next, no Coroner shall have Power to appoint a Deputy otherwise than for a particular necessary Occasion, and after such Deputy's Service therein his Power shall cease; and that all Deputy Coroners that may have received a general Deputation before the said first Day of *March*, their Deputation shall be of no Force or Virtue after the said Term, but shall then cease and be determined, and no Person under Pretence of any such Deputation, shall be excused from any Duties or Services whatsoever which he may by Law be otherwise obliged or liable to.

CHAP. III.

An Act for Limitation of Actions and for avoiding Suits in Law where the Matter is of long standing.

Preamble.

WHEREAS it is highly reasonable, and conduces much to the Peace and Welfare of the Subject that a certain and reasonable Time should be set for the prosecuting of Actions:

Time limited for bringing Actions.

Be it therefore enacted by his Excellency the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That the several Actions hereafter mentioned, which shall be brought at any Time after the End of this present Session of the General Court, shall be commenced within the Time and Limitation hereafter expressed: *That is to say*, Actions of Trespass upon Lands, or *Quare Clausum fregit*, within five Years next after the Cause of such Actions or Suits, and not afterwards; all Actions for Arreages of Rent, or grounded upon any Lending or Contract without Specialty; all Actions upon the *Quantum meruit*, or for Service within the space of four Years next after the Cause of such Actions or Suits, and not afterwards; all Actions of Trespass, of Assault, Menace, Battery, Wounding or Imprisonment; all Actions for malicious Prosecution within two Years next after the Cause of such Actions or Suits, and not afterwards; and all Actions of Detinue, Deceit, Trover, Trespass and Replevin for taking away Goods and Chattels, within the Term of three Years, and not afterwards; and all Actions of Slander, or for Words within one Year next after the Words spoken, and not afterwards.

Actions where the Cause arises after the Publication of this Act when to be bro't.

Provided however, That each and every of the Actions before mentioned, the Cause whereof hath arisen before the Publication of this Act, may be commenced in the like Term of Time from the Publication hereof, as herein before is set and limitted, for bringing such Action or Actions respectively from and after the Cause thereof.

Regulation of the Costs in several Kinds of Actions.

And be it further enacted by the Authority aforesaid, That in all Actions of the Case for slanderous Words; all Actions of Assault and Battery; all Actions for false Imprisonment; and all Actions for malicious Prosecution to be sued or prosecuted in any of the Courts of Record within this Province, if the Jury upon the Trial of the Issue in such Action do find or allow the Dammage under *forty Shillings*, the Plaintiff or Plaintiffs in such Actions shall have and recover only so much Costs as the Dammage so given amount unto, without any further Increase of the same.

Proviso referring to Infants, &c.

Provided always, **And be it further enacted**, That this Act shall not be understood to bar any Infant *Feme Covert*, Person imprisoned, beyond the Seas, or *non compos mentis*, from bringing either of the Actions before mentioned within the Term before set and limitted for bringing such Action, reckoning from the Time that such Impediment shall be removed.

CHAP.

Acts and Laws,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and Held at *Boston* upon Wednesday the twenty-eighth Day of *May* 1740. and continued by Prorogation unto Wednesday the twentieth Day of *August* following.

CHAP. I.

An Act to establish the several High Ways in *Little-Compton*, in the County of *Bristol*.

WHEREAS the Proprietors of the Lands in said Little-Compton, *did, in their Divisions thereof take special and early Care to lay out, or provide Ways, and left Land for Ways in, and surrendred the same to said Town, whereby the said Proprietors might pass and re-pass to and from their several Allotments, for the Use of it's Inhabitants and others: And although the said Town and Inhabitants have used and improved most of said Ways as open Ways more than* forty Years *last past, in the several Parts of the Town, yet as they omitted or neglected to cause the said Ways to be laid out by the Select-Men, the said Town has by that Means been led into divers Difficulties and Controversies, and divers Incroachments have been made on them by private Persons*: Preamble.

For Remedy whereof:

Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That all the Ways or Roads which appear by Record to be laid out, or Land left for Ways by the Proprietors of *Little-Compton*, which have not been disposed of by them, be and hereby are ratified, established and confirmed to be and remain open Ways for the Use of said Town, as fully and amply to all Intents and Purposes, as if the said Ways had been heretofore established or laid out as is by Law otherwise provided. High Ways in *Little Compton* establish'd

And be it further enacted by the Authority aforesaid, That when and so often as it shall happen that there shall be any Occasion for the altering or exchanging of any of said Ways, or that where there is, or hereafter shall be, any Incumbrance or Incroachment made on any of the said Ways or Roads, in such Cases, the Methods for proceeding thereon shall be such as are by Law already provided in Case of exchanging of Ways, and of removing of Incumbrances on Ways or Town Roads. Method for altering the Ways.

CHAP. II.

An Act to prevent Strip and Waste on Lands, while Suits are depending in the Law for the same.

WHEREAS it often happens that Persons are in Possession of Lands to which they have no Title, and the Owners or Proprietors thereof, are obliged to bring their Writ of Ejectment to recover their Title and Possession of such Land, and the Tenants in Possession, or some others under them, after such Writs are brought, and before final Judgment and Possession is had, make great Strip and Waste, to the great Prejudice of the legal Owners and Proprietors, &c. Preamble.

For Prevention whereof for the future:

Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That from and after the Publication of this Act, if any Person or Per-

No Trees or Poles to be cut down on any Land in Suit.

ſons ſhall bring forward and proſecute any Writ of Ejectment for the recovery of the Poſſeſſion of any Lands and real Eſtate which ſhall be unjuſtly witheld from him or them by any Perſon, and ſuch Perſon in Poſſeſſion, or any other Perſons whatſoever, during the Time ſuch Writs or Suits are depending in the Law, ſhall preſume to make Strip or Waſte by cutting, felling or deſtroying the Wood, Timber, Trees or Poles ſtanding or growing on ſuch Land ſued for, ſhall for every ſuch Offence, forfeit and pay to the Party aggrieved *twenty Shillings* for every Tree of one Foot Diameter, over and above the true Value thereof; and for every Tree or Pole under that Dimenſion cut, felled or deſtroyed as aforeſaid, *twenty Shillings*; to be recovered by Action, Bill, Plaint or Information in any Court of Record proper to try the ſame, after the Plaintiff or Defendant has recovered his Title and Poſſeſſion of ſuch Eſtate ſued for.

Penalty.

An Act

Paſſed by the Great and General Court or Aſſembly of the Province of the *Maſſachuſetts-Bay* in *New-England*, Begun and Held at *Boſton*, upon Wedneſday the twenty-eighth Day of *May* 1740. and continued by ſeveral Prorogations unto Wedneſday the twenty-ſixth Day of *March* following.

CHAP. III.

An Act in Addition to the ſeveral Acts heretofore made relating to common Nuſances.

Preamble.

FOR preventing of Deſolation by Fire that may happen by erecting of Potters Kilns and Houſes near to dwelling Houſes and other Buildings; and the Inconvenience and Miſchief that may accrue to the Neighbourhood by the offenſive and unwholſome Smoak and Stench proceeding from the Kilns, when on Fire:

Be it enacted by his Excellency the Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame, That if at any Time after the Publication of this Act, any Perſon or Perſons ſhall preſume to erect or ſet up any Potters Kiln or Kiln Houſe in any Place within either of the Sea-Port or Market-Towns in this Province, other than ſuch Place as heretofore has been uſed for that Purpoſe, or as the Select-Men of ſuch Town, with two or more of the next Juſtices of the Peace ſhall aſſign or approve of as moſt ſafe and convenient, and leaſt offenſive to the Neighbourhood; every Perſon and Perſons ſo offending, and being thereof duly convicted before the Court of General Seſſions of the Peace, in ſuch County, ſhall forfeit and pay the Sum of *thirty Pounds*, one third Part of the ſaid Forfeiture to be to the Uſe of His Majeſty for the Support of this Government, one third Part to the Poor of the Town where ſuch Offence ſhall be committed, and the other Third to him or them who ſhall inform and ſue for the ſame; and the Offender or Offenders ſo convict ſhall likewiſe enter into Recognizance to take down ſuch Kiln-Houſe, and in Default of entring into Recognizance as aforeſaid, ſhall be committed to Priſon, until he do Cauſe the ſame to be taken down, or otherwiſe ſuch Kiln-Houſe ſhall be taken down by Order of the ſaid Court; and the Charge thereof be levied by Diſtreſs and Sale of ſuch Offenders Goods, returning the Overplus if any be.

Potters Kilns not to be ſet up in Market or Sea-Port Towns without Licence.

Penalty.

Acts

Acts and Laws,

Paſſed by the Great and General Court or Aſſembly of His Majeſty's Province of the *Maſſachuſetts-Bay* in *New-England*, Begun and Held at *Boſton*, upon Wedneſday the eighth Day of *July* 1741.

CHAP. I.

An Act to enable Proprietors in common and undivided Lands to chuſe Treaſurers for their reſpective Proprieties as Occaſion may require.

BE it enacted by his Excellency the Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame, That it ſhall and may be lawful for the Proprietors of any common and undivided Lands or the major Part in Intereſt of them that are preſent at any of their lawful Meetings, whenever Occaſion ſhall require, to chuſe ſome ſuitable Perſon for their Treaſurer, who ſhall be ſworn before a Juſtice of the Peace to the faithful Diſcharge of his Truſt; and ſuch Treaſurer is hereby impowered to demand, ſue for, recover and receive all ſuch Sums of Money, Debts and Dues, as ſhall at any Time belong to the ſaid Proprietors, or be any Ways due or coming to them, and make Payment thereof again to ſuch Perſons, and for ſuch Uſes as he ſhall be lawfully ordered and directed from the Proprietors; and of all this render his reaſonable Account on Demand; and ſuch Treaſurer ſhall continue in his Office till the Proprietors ſhall ſee Cauſe to chuſe another.

Proprietors of common Land impowered to chuſe Treaſurers.

Treaſurers Power.

CHAP. II.

An Act to enable Proprietors of general and common Fields to raiſe Taxes, &c.

BE it enacted by his Excellency the Governour, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame, That in every Town in this Province where ſeveral Allotments of Lands are inclos'd in one general or common Field or Incloſure, and as ſuch improved, or where all the Proprietors of Lands ſhall hereafter ſee Cauſe to incloſe, fence and improve the ſame in ſuch Manner; that in ſuch Caſe the Proprietors of ſuch general Fields reſpectively ſhall be and are hereby fully authorized and impowered in a Proprietors Meeting for that Purpoſe regularly convened, by a major Vote of the Proprietors then preſent, (the Vote to be collected according to the Intereſt of the Proprietors) to agree upon and paſs one or more Votes for the raiſing and collecting ſuch Sum or Sums of Money from Time to Time as they ſhall judge neceſſary for the carrying on, or managing any publick Affairs relating to ſuch Proprietors; and that they be alike impowered to chuſe three or five Aſſeſſors for the aſſeſſing and apportioning ſuch Sum or Sums ſo agreed on and voted, upon the Proprietors of ſuch Lands, according to their ſeveral Intereſts therein; and to appoint a Collector or Collectors to gather in and collect the ſame, which Collector or Collectors ſhall be and are hereby fully impowered to levy and collect the Sum or Sums ſo ſet and apportioned for ſuch Proprietors to pay, in the ſame Manner as Conſtables of Towns within this Province are impowered to levy and collect the publick Rates or Taxes, and to pay in the ſame to the Proprietors or their Clerk,

Proprietors of common Fields impowered to raiſe Taxes.

And to chuſe Aſſeſſors and Collectors.

Proprietors or their Clerk to grant Warrents for ſuch Taxes

Clerk, who is hereby impowered to grant Warrants for the levying and collecting such Assessment at such Time as shall be by them appointed for the Payment thereof; and such Clerk shall be accountable to the Proprietors therefor: The Person or Persons so assessing the said Proprietors, and the Collector or Collectors that shall be so appointed for the gathering and collecting the Sum or Sums so granted and agreed upon by the said Proprietors to be assessed and collected as aforesaid, shall be under Oath for the true and faithful Performance of their Services respectively, which Oath shall be administred to them as the Law provides for swearing Town Officers.

Assessors and Collectors to be under Oath

Provided nevertheless, That any such Proprietor who apprehends himself aggrieved or over-rated in the making or apportioned such Assessment, shall have Liberty to apply to the Justices of the General Sessions of the Peace in the respective Counties where such Lands lie for Relief; and in such Case the said Justices are hereby fully impowred to grant Relief accordingly.

Aggrieved Proprietors to have Liberty of appealing.

Acts and Laws,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and Held at *Boston* upon Wednesday the eighth Day of *July* 1741. and continued by Prorogation and Adjournment to Wednesday the sixteenth of *September* following.

CHAP. I.

An Act in further addition to the several Acts for the Observation and keeping of the *Lord's-Day*.

BE it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That from and after the Publication of this Act, when any Person or Persons that shall be found by any one or more of His Majesty's Justices of the Peace loitering, or idly spending his, her or their Time, or unnecessarily assembled or assembling themselves in any of the Streets, Lanes, High-Ways or Commons in any Town or Place within this Province, on the Lord's Day or any Part of it, and being ordered by such Justice or Justices to disperse or retire to his, her or their respective Lodgings, or repair to the publick Worship, shall refuse or neglect so to do, such Justice or Justices shall bind over such Offender or Offenders to appear at the next Court of General Sessions of the Peace for the County where the Offence shall be committed, to answer therefor, and to bind over such Persons as shall be then present, or a sufficient Number of them, to give Evidence concerning the same, and shall make a Record thereof, and deliver or transmit such Record to His Majesty's Justices at their next General Sessions of the Peace for such County, who shall thereupon direct His Majesty's Attorney General, or in his Absence such other suitable Person as they shall appoint, forthwith to file an Information against such Offender or Offenders, who being convicted of the aforesaid Offence, either by Verdict or Confession in Court, shall for his, her or their first Offence, forfeit and pay for the Use of the Poor of such Place where the Offence shall be committed, *twenty Shillings*, with Costs of Prosecution, and stand committed until Payment thereof; and for his her or their second and every other the like Offence the Sum of *forty Shillings* for the Use aforesaid, with Costs of Prosecution, and give sufficient Security for his her or their good Behaviour till the next Court of General Sessions of the Peace, and stand committed till the same shall be performed.

Persons offending against this Act to be bound over to the Court of General Sessions of the Peace.

Penalty upon Conviction.

Penalty upon a second Offence, &c.

Provided

Provided always, That it ſhall and may be lawful for any Perſon or Perſons convicted as aforeſaid, to appeal to the Court of Aſſize then next to be held in and for ſuch County, the Appellant or Appellants recognizing with ſufficient Sureties to proſecute ſuch Appeal there with Effect, as the Law directs. Proviſo.

CHAP. II.

An Act to aſcertain the Value of Money, and of the Bills of public Credit of this Province, granted this preſent Year for the Supply of the Treaſury, and for ſecuring the Credit of ſaid Bills.

Be it enacted by his Excellency the Governour, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame, That from and after the firſt Day of *February* next, all coined Silver of Sterling Alloy ſhall be accounted, paid and taken as lawful Money of this Province at the Rate of *ſix Shillings and eight Pence* per Ounce Troy Weight, and other Money in the ſame Proportion, and no otherwiſe, and all private Trade and Dealings where no other lawful Money or Thing is expreſly contracted for ſhall be intended to be in and for the Money aforeſaid. The Value of Silver Money ſtated at 6s 8d per Ounce.

And whereas the Bills of publick Credit on this Province have been fluctuating and uncertain in their Value, whereby many Miſchiefs and Inconveniencies have ariſen:

For preventing whereof for the future;

Be it enacted by the Authority aforeſaid, That the Province Bills emitted for the Supply of the Treaſury this preſent Year, ſhall be valued and taken at the Rate following, *viz.* Every Bill of *ſix Shillings and eight Pence*, at the Rate of one Ounce Troy Weight of coined Silver Sterling Alloy, and all other Bills of ſaid Emiſſion at the ſame Proportion. Value of Bills of Credit ſtated.

And be it further enacted, That *ſix Shillings and eight Pence* of all Debts and Dues to be contracted within five Years from the laſt Day of *March* next (Specialties and expreſs Contracts excepted) ſhall be deemed and to all Intents and Purpoſes adjudged to be equal to one Ounce of coined Silver Sterling Alloy, and ſhall be accordingly paid with one Ounce of Silver, or with *ſix Shillings and eight Pence* of the Bills to be emitted for the Supply of the Treaſury this preſent Year (excepting as herein after excepted) or in ſo much of the Province Bills thereafter to be emitted, as ſhall be equal to one Ounce of Silver at the Time of Payment, and ſo in Proportion for a greater or leſs Sum.

Provided nevertheleſs, That if the Bills ordered to be emitted this preſent Year, or other Bills hereafter to be emitted, ſhall be depreciated or commonly paſs at any lower Rate than they are ſet at by this Act, or by the Act by which ſuch other Bills ſhall be emitted, that then and in ſuch Caſe the Juſtices of the reſpective Courts ſhall give Judgment for ſo much in Silver as the true Debt appears to be, and in Want thereof for ſo much in ſaid Province Bills, with the Addition of ſo much more as will make Amends for the depreciating ſaid Bills from their preſent ſtated Value, or the Value at which ſuch other Bills ſhall be ſtated. Allowance to be made to the Creditor in Caſe the Bills be depreciated.

And to the Intent that there may be one certain Rule by which the Juſtices of the reſpective Courts ſhall proceed in making up their Judgments; Rule for the Courts proceeding thereon.

Be it enacted by the Authority aforeſaid, That the General Aſſembly ſhall once in every ſix Months determine the Rates that ſaid Bills then commonly paſs at in Proportion to Silver and Bills of Exchange payable in *London*, and in

in Want thereof it shall be determined by the eldest Counsellor for the Time being in each of those Counties where any Member of His Majesty's Council is an Inhabitant, who are hereby appointed a Committee for that Purpose, and to ascertain the said Proportion by a Certificate under their Hands, or the Hands of the major Part of them, which Certificate shall be lodged in the Secretary's Office, and in Case of their Failure, that then the Justices of the Superiour Court of Judicature in their several Terms in the County of *Suffolk* annually shall appoint five able and sufficient Men upon their Oaths, to consider and report the true Value of those Bills as they will produce in Silver or Bills of Exchange to the best of their Judgment, and certify the same into the Secretary's Office; and the Secretary on Receipt of either of the aforesaid Certificates shall forthwith send attested Copies thereof to the Clerks of the Courts in the several Counties, to be by them laid before their respective Courts for their Direction.

And whereas the purchasing Silver at high Rates, has often brought a Discount on the Bills of publick Credit:

Penalty for giving more for Silver than at the Rate set in this Act.

Be it therefore further enacted by the Authority aforesaid, That whosoever shall at any Time within five Years from the first Day of *February* next, directly or indirectly by himself or by any other for him, wittingly give, contract or offer to give, receive, contract, or offer to receive more than *six Shillings and eight Pence* in the Bills of publick Credit, ordered to be emitted this present Year for the Supply of the Treasury, for one Ounce of Silver Troy Weight of Sterling Alloy, or proportionably for any greater or less Sum, or more in any other Bills of Credit than (at the Rates at which they shall obtain a Currency) shall be equal to *six Shillings and eight Pence* in the Bills ordered to be emitted this present Year, for one Ounce of Silver, and proportionably for a greater or less Sum, or more than a proportionable Value, whether Payment be made or proposed to be made in Bills or any other Way and Manner whatsoever, he shall forfeit the Sum of *fifty Pounds*, in the Bills ordered to be emitted this Year for the Supply of the Treasury, or equivalent thereto in other Province Bills, or in Silver or Gold; one Half to His Majesty for the Use of the Province, and the other Half to the Informer, to be recovered by Action of Debt, Bill, Plaint or Information in any Court of Record within the County where the Offence shall be committed, or by Indictment or Presentment of the Grand Jury; and in every such Prosecution, if the Prosecutor only, or other credible Person (who was Party in such Contract, Trade or Dealing) shall tender his Oath to the Truth of the Matter alledged (unless the Defendant will thereof acquit himself by his Oath) the Prosecutor or such other credible Person as aforesaid, shall be admitted to swear to the Matter of Fact charged upon the Defendant, and that shall be taken for full Evidence against the Defendant, and the Prosecutor or such other Person who shall so testify, shall not be liable to any Fine or Forfeiture he may have incurred by and in the same Contract, Trade, or Dealing; and if any Person thought probably concerned in any such Contract, Trade or Dealing, refuse to be sworn or to give Evidence either before the Court before whom the Trial shall be, or to the Grand Jury, he shall (by the Court who shall require such Oath) be fined such Sum as if he had been convict of buying Silver contrary to this Act, and shall stand committed till he pay the same, and the Fine shall be in like Manner applied.

Proviso.

Provided, That nothing herein contained shall be construed to restrain the buying or selling of Silver wrought into Vessels or other Things commonly made by Goldsmiths, at a higher Rate than *six Shillings and eight Pence* per Ounce.

CHAP.

CHAP. III.

An Act to alter several Laws that require Appellants to file and produce the Reasons of their Appeal.

Preamble.

WHEREAS *it is found by Experience that the Appellant's filing Reasons of Appeal in the Courts of the common Law, is a meer Matter of Form, and gives no Light in the Cause, but many Times occasions vain Disputes upon their Forms, to the needless Charge of the Appellants, and sometimes to the utter Overthrow of their Causes:*

No Reasons of Appeal to be given in any Cause.

Be it therefore enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That henceforth when any Party shall be aggrieved at the Sentence or Judgment of any Justice, or Court of General Sessions of the Peace, or Inferiour Court of Common Pleas, and appeal to any higher Judicatory, the Appellant shall not be required to file or produce any Writing purporting the Reasons of his Appeal, but the Cause may be entred and tried upon the Appeal without any Reasons filed or produced, as heretofore hath been accustomed: Any Law, Usage or Custom to the contrary hereof in any wise notwithstanding.

CHAP. IV.

An Act in addition to an Act made to prevent the Destruction of the Fish called *Alewives*, and other Fish.

Preamble.

WHEREAS *notwithstanding the several Acts made for the Preservation of the Fish, and to give them free Passage up and down the Rivers in their Seasons, yet by Reason of the many Dams erected, and often erecting across such Rivers and Streams where the several Sorts of Fish pass up into the natural Ponds to cast their Spawns, said Fish are diverted in their Passage to the great Decay and Ruin of such Fishery:*

Passage in Dams to be kept open for the Fish at the proper Season.

Be it therefore enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority aforesaid, That whosoever shall hereafter erect or build any Dam across any such River or Stream where the *Salmon, Shad, Alewives*, or other Fish usually pass up into the natural Ponds to cast their Spawn, shall make a sufficient Passage Way for the Fish to pass up such River or Stream through or round such Dam, and shall keep it open for the free Passage of the Fish from the first Day of *April* to the last Day of *May* annually, and all the Owners or Occupants of any Mill Dam or other Dams heretofore erected and made across any such River or Stream where the Fish can't conveniently pass over, shall make a sufficient Way either round or through such Dam, for the Passage of such Fish at or before the first Day of *September* next, and after that to keep such Passage Way open from the first Day of *April* to the last Day of *May* annually, on Pain that every Person offending in any of the Particulars aforesaid, shall forfeit and pay the Sum of *fifty Pounds* for each Offence.

Penalty.

In some Towns the Select-Men to appoint the Season.

Provided nevertheless, *Whereas in some of the Rivers or Streams the said Fish do not pass up to spawn in the Times by this Act provided for, that it shall be in the Power of the several Towns wherein such Streams are, or are adjoining, or the Select-*

Select-Men of such Towns, or the major Part of them, to appoint or order the Times of keeping open such Sluice-Ways, as in their Judgment may be agreeable to the natural Time of said Fish passing up to Spawn, so as it do not exceed sixty Days annually.

Owners of the Dams to allow a Passage.

And be it further enacted by the Authority aforesaid, That the Owners or Occupants of such Dam or Dams shall allow sufficient Water Passage round through or over such Dams for the Passage of such Fish or their young Spawn in the Season of their going down such Rivers or Streams, on Penalty of forfeiting the Sum of *fifty Pounds* for every Offence.

Provided nevertheless, That whosoever is an Owner or Occupant of such Dam or Dams erected before the Year One Thousand seven Hundred and nine, and by this Act is obliged to make such Passage Way for the Fish as aforesaid, shall after he has effected the same, present his Account of the reasonable Charge thereof to the Court of General Sessions of the Peace of the same County for their Allowance, who are hereby impowered to proportion the several Towns Parts thereof who are advantaged thereby, and order each of said Towns to assess and pay the same to such Owner or Occupant accordingly, and the Owners or Occupants of such Dam shall afterwards maintain such Passage Way at his or their own Cost and Charge.

Charge thereof to be paid by those that have the Benefit.

Towns to chuse Persons to see that this Act be observed.

And be it further enacted by the Authority aforesaid, That it shall be in the Power of any Town at their annual Meeting in *March* to chuse one or more Persons whose Business it shall be to see that the said Passage Ways are open pursuant to this Act, and that said Fish may not be obstructed in their usual passing up and down Stream, and to appoint the proper Place or Places for the taking such Fish with Scoop Nets, and to limit the particular Times and Days for the taking the same.

Proviso.

Provided also, That this Act shall not be construed so as to affect the Order of this Court, pass'd in *January* One Thousand seven Hundred and thirty eight, relating to *Watertown* Mill-Dam.

Disposition of the Fines.

And that the several Fines and Penalties arising by Virtue of this Act, shall be sued for and recovered in any Court of Record proper to try the same, by any Person that shall prosecute and sue for the same, one Half of such Sum to be to and for the Use of the Prosecutor, and the other Half to be to and for the Use of the Poor of the Town where the Offence shall be committed.

Acts and Laws,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and Held at *Boston* upon Wednesday the eighth Day of *July* 1741. and continued by Prorogation and Adjournments unto Wednesday the seventeenth Day of *March* following.

CHAP. V.

An Act in Supplement of an Act Intitled, *An Act in Addition to an Act made to prevent the Destruction of the Fish called* Alewives *and other Fish.*

Preamble.

WHEREAS in and by an Act made in the present Year of His Majesty's Reign, Intitled, An Act in Addition to an Act made to prevent the Destruction of the Fish called *Alewives* and other Fish; *the several Towns within this Province are enabled and impowered to chuse one or more Persons whose Busi-*

ness

neſs it ſhould be to ſee that the Paſſage Ways for Fiſh (in ſaid Act ordered to be made) be kept open during the Term therein mentioned, that ſo the Fiſh may not be obſtructed in their uſual paſſing up and down Stream, and to appoint the proper Place or Places for the taking ſuch Fiſh with Scoop Nets, and to limit the particular Times and Days for taking the ſame; but no Penalty is therein ordered to be impoſed on ſuch as ſhall take Alewives *or other Fiſh at other Times or Places than ſuch as ſhall be appointed in Purſuance of ſaid Act:*

Be it therefore enacted by the Governour, Council and Houſe of Repreſentatives, That whoſoever ſhall preſume to take any of the Kinds of Fiſh in ſaid Act enumerated (whether with Scoop-Nets or otherwiſe) in any River or Stream within or adjoining to any Town within this Province at any other Place or Time than ſuch as has been or ſhall be limited and appointed by any Town in Purſuance of ſaid Act, ſuch Offender or Offenders ſhall forfeit and pay the Sum of *ten Shillings* for each Offence, one Moiety thereof to be for the Uſe of the Poor of the Town where the Offence ſhall be committed, the other Moiety to be to him or them who ſhall inform and ſue for the ſame before one or more of His Majeſty's Juſtices of the Peace in the ſame County. Penalty for catching Fiſh with Nets &c. out of Seaſon.

Provided, That this Act be not conſtrued to affect any Perſon taking Fiſh in any Town where ſuch Town ſhall not in Manner as aforeſaid appoint the Time and Place for taking the Fiſh aforeſaid.

CHAP. VI.

An Act to enable the Truſtees appointed in His Majeſty's High Court of Chancery to purchaſe Houſes or Lands and improve the ſame for perpetuating the Charity of the honourable *Edward Hopkins*, Eſq; more effectually to ſecure the Intereſt of their ſeveral Tenants in Poſſeſſion of their *Hopkinſton* and *Upton* Lands, and the Revenue of thoſe Lands to the College and Grammar School at *Cambridge*, according to the true Intent of all Parties at the firſt Settlement of that Town.

WHEREAS the Truſtees appointed in His Majeſty's high Court of Chancery to purchaſe Houſes or Lands and improve the ſame for perpetuating the Charity of the honourable Edward Hopkins, *Eſq; at their Meeting the nineteenth of* April 1716, *agreed that thoſe Lands ſhould be leaſed out at the annual Rent of* three Pence *an Acre for the Term of ninety nine Years, and not exceeding* nine Pence *an Acre to thoſe Tenants their Heirs and Aſſigns at any Time coming after the Expiration of that Term, and afterwards when the Leaſes were made for that Term to commence the twenty-fifth of* March 1723, *as on the one Hand they did not ſecure to the particular Tenants their Heirs and Aſſigns the Right of renewing their Leaſes from Time to Time for ever upon an annual Rent not exceeding* nine Pence *an Acre, to the great diſadvantage of the Tenant, ſo on the other Hand they obliged the Truſtees to diſcharge and ſave the Tenants from paying any Province Tax for three Quarters of the Premiſes, to the utter Loſs of the Rent therein reſerved for the pious Uſes aforeſaid:* Preamble.

Be it therefore enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That it shall be lawful for the said Trustees, and they are hereby impowered by certain Indentures between them and the Tenants of those Lands to be executed, to confirm the several Tenements in the Tenure of the original Termors or their Assigns, to hold to them their Heirs and Assigns forever, reserving a Rent Charge of *one Penny* Sterling Money of *Great Britain* or equivalent in Province Bills by the Acre, payable the twenty-fifth of *March* annually in Lieu of the Rent reserved in their respective Leases, till the twenty-fifth of *March* One Thousand eight Hundred and twenty three, and *three Pence* an Acre like Money payable the twenty-fifth of *March* annually from that Time forward for ever, the Tenants covenanting for themselves their Heirs and Assigns to pay all Province Taxes for their Lands to be rated by this Court from Time to Time for what they are worth above the Rents reserved as aforesaid.

New Indentures to be given on *Hopkinton* and *Upton* Land.

Preamble. *And whereas the Trustees aforesaid have by an Endorsement on their several Leases granted to the Termors and their Assigns the Right of Common in all their Lands in* Hopkinston *and* Upton *(above twelve Thousand five Hundred Acres designed for the several Tenants and other particular Uses) in proportion to the Quantity of their Lands leased to them, and these Tenants apprehend they can more beneficially improve the said common Lands if divided to every one their Share:*

Now therefore,

Tenants impowered to divide their Commons. **Be it further enacted by the Authority aforesaid,** That the Trustees aforesaid instead of granting them the Common aforesaid, be impowered by the Indentures aforesaid the better to enable them to pay the Land Tax aforesaid, to give, grant, convey and confirm to the Tenants aforesaid all the Lands aforesaid, in proportion to their Lands leased to them as aforesaid, to hold to them and their Heirs for ever, that they may either improve the same in Common as was first intended, or divide and seperately improve the same as shall seem good to them or the major Part of them upon Advisement and mature Consideration thereof.

And for the better securing of the several Tenants Estate in the Premises, and more clear Discovery of their respective Interests, and the recovery of the Rents aforesaid:

A Register to be appointed for recording Leases &c. **Be it further enacted,** That the Trustees aforesaid shall, and they are hereby impowered to appoint a Register for those Lands, and swear him to the faithful Discharge of his Duty, and from Time to Time upon his Misbehaviour or Failure by Death or otherwise, to substitute and swear another in his Room, who shall keep fair Books of Record, and therein record one of those Leases already recorded by the Register of the County of *Middlesex*, with the mean Conveyances thence down to the present Tenant in Possession, as also a Certificate from the Register of the County of *Middlesex* of all the rest by him recorded, expressing the Lessees Premises Dates and the Terms of Continuance, with all the mean Conveyances down to the present Tenant in Possession; and he shall likewise record all those Leases and mean Conveyances not yet recorded by the Register of the County of *Middlesex*, and all future Conveyances of any of the said Lands: And after the twenty-sixth Day of *April* next no Conveyance of those Houses or Lands, the Revenue whereof goes to the College and Grammar School in *Cambridge*, shall be good to hold the same against any other Persons but the Grantors and their Heirs only, unless the Deed thereof be recorded by the Register aforesaid, who shall take of the Purchasers at the Rate of *eight Pence* Sterling, or equivalent in Province Bills, for every Page of twenty eight Lines, eight Words in a Line for recording the same, and no more: And no Purchaser shall be obliged to record any of these Deeds in the Records of the County of *Middlesex* henceforward.

CHAP.

CHAP. VII.

An Act to limit and direct in suing out Executions upon Judgments of Courts.

BE it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That when Judgment shall be given in any Court of Record, the Party obtaining it may sue out Execution thereon at any Time within a twelve Month, and afterwards renew it as often as Occasion shall require; and where any Execution shall be returned without any Satisfaction made, or satisfied only in Part, the Clerk of the said Court within a twelve Month after the Return thereof into the Office, may *ex Officio* renew or make out an alias or Plureis Execution for the whole or the Remainder as the Case may be, till the Judgment be fully satisfied: But if the Party shall neglect to sue out his Execution, Alias or Plureis, within the Times afore limitted, he shall sue out a Writ of *Scire Facias*, and cause the adverse Party to be served therewith, or an attested Copy thereof, to be left at his Dwelling or Place of usual and last Abode, seven Days inclusive before the Court's sitting, requiring him to shew Cause, if any he have, why Execution ought not to be done; and upon his Non-Appearance, or not shewing sufficient Cause, the Court shall award Execution for what remaineth, with additional Cost. Method for regulating Executions.

An Act,

Passed by the Great and General Court or Assembly of the Province of the *Massachusetts-Bay* in *New-England*: Begun and Held at *Boston* upon Wednesday the twenty-sixth Day of *May* 1742.

CHAP. VIII.

An Act in addition to the several Acts or Laws of this Province for the Settlement and Support of Ministers.

WHEREAS the professed Members of the Church of England *have complained that they are unreasonably taxed for the Support of divine Worship in the Manner established by the Laws of this Province, while they and their Families constantly attend the Worship of GOD according to the Usage and Order of the Church of* England, *either within their own or some neighbouring Town, Parish, or Precinct:* Preamble.

Be it enacted by the Governour, Council and House of Representatives, That the Members of the Church of *England* and their Estates shall be taxed to the Support of the publick Worship of GOD with the other Estates and Inhabitants within the Bounds of any Town, Parish, or Precinct, according to the Laws of this Province: And the Treasurer of such Town, Parish, or Precinct, as he receiveth any such Tax, shall deliver the Taxes collected of every profess'd Member of the Church of *England* unto the Minister of the said Church, with whom he usually and frequently attends the publick Worship of GOD on the Lord's Days, which Minister shall have Power to receive, and if need be to recover the same in the Law, to support him in the Place whereunto he is duly designed and sent. Tax of Persons attending at the Church of *England*, to be paid their own Minister.

And

Deficiency provided for.

And if, by that Means any Deficiency happeneth in the Salary of any Minister settled by the Laws of this Province, such Town, Parish or Precinct within two Months after such Deficiency appeareth, shall make good the same.

Members of the Church of *England* excused from Charges towards the Settlement of Ministers &c.

Provided nevertheless, That all such professed Members of the Church of *England* shall be intirely excused from paying any Taxes towards the Settlement of any Minister, or building any Meeting-House, pursuant and according to the Direction and Orders of the Laws of this Province, and utterly debarred from voting any Ways concerning such Ministers or Meeting-Houses.

Proviso.

Provided also, That no Person shall be exempted or his Tax paid over to any Minister of the Church of *England*, unless such Minister and his Church Wardens shall first certify to the Treasurer of such Town or Parish where he lives, that such Person is a Member of the Church of *England*, and usually and frequently attends the publick Worship of GOD with them on the Lord's Days as aforesaid.

Acts and Laws,

Passed by the Great and General Court or Assembly of the Province of the *Massachusetts-Bay* in *New-England*: Begun and Held at *Boston* upon Wednesday the twenty-sixth Day of *May* 1742. and continued by Prorogation and Adjournments unto Thursday the eighteenth Day of *November* following.

CHAP. I.

An Act to prevent Incumbrances about the Doors of the Court House in *Boston*.

Preamble.

WHEREAS *the Doors of the Court House in the Town of* Boston, *are often incumbred by Teams and otherways, so as very much to obstruct the Members of the General Court in their Passage to and from the said House:*

Penalty for incumbering the Doors of the Court-House.

Be it therefore enacted by the Governour, Council and House of Representatives, That no Person or Persons whatsoever shall presume to incumber the said House by stopping or suffering to stand any Coach, Chaise, Chair, Team, Cart, Sled, Truck or Wheelbarrow, or by laying any Lumber, Stones, Mud, Dirt, or other Incumbrance whatsoever within the Distance of twenty-four Feet from the West End, thirty Feet from the Bottom of the Steps at the East End, and ten Feet from either Side of the said House, upon Pain of forfeiting *five Shillings* unto the Door-Keeper to the General Court for the Time being, and by him to be recovered before a Justice of the Peace.

Penalty for offending after Warning by the Door-Keeper.

And in Case any Person or Persons offending in either of the Particulars before mentioned, after being thereto required by the Door-Keeper, shall not forthwith remove any such Incumbrance, he or they shall forfeit the Sum of *twenty Shillings*, to be recovered in like Manner as aforesaid.

Proviso.

Provided nevertheless, That this Act shall not be construed so as to hinder any Coach, Chariot, Chaise or Chair, from standing within the Limits aforesaid, which shall be used by the Governour, Lieutenant Governour, or any of the Members of the General Court for the Time being.

CHAP.

CHAP. II.

An Act for preventing unneceſſary Expence in the Attendance of Petit Jurors on the ſeveral Courts of Juſtice within this Province.

Preamble.

WHEREAS Petit Jurors are often Times detained at the Trial and Hearing of Cauſes which are not committed to them by Reaſon of the Agreement of Parties, Abatement of the Writ, or Diſcontinuance; whereby the Plaintiff becomes Non-ſuit, and frequently (eſpecially in the Inferiour Court of Common Pleas) Judgment is entred up againſt the Defendant by Default, whereby great Part of the Jury's Time is taken up, without their being allowed any Benefit by Law, notwithſtanding their being obliged to give their conſtant Attendance during the Time of the Courts ſitting, until all the Actions depending there are finiſhed:

Wherefore,

The Time of Attendance of Petit Jurors ſtated.

Be it enacted by the Governour, Council and Houſe of Repreſentatives, That Petit Jurors (in the Court of General Seſſions of the Peace and Inferiour Court of Common Pleas to be held within and for the County of *Suffolk*) ſhall not be obliged to give their Attendance until the ſecond Tueſday of ſaid Courts Sitting; and at the ſaid Courts that are to be held within all other Counties within this Province, on the ſecond Day of the ſaid Courts Sitting, to the End that the ſaid Courts may proceed upon and determine all Pleas in Bar and Abatement of Writs, and all other Matters and Things that relate to ſuch Actions as are not committed to the Jury; ſo that their Time and Attendance be not unneceſſarily taken up and delayed. And the Clerks of the reſpective Courts aforeſaid are hereby ordered and directed in making out Writs of *Venire Facias* for the Choice of Petit Jurors to give Directions accordingly.

No Action to be entred after the firſt Day of the Court's Sitting &c.

And be it further enacted, That no Action be entred in any of the Courts aforeſaid after the firſt Day of their Sitting: And all Pleas in Bar of the Action or Abatement of the Writ be either entred thereon or filed with the Clerk of the ſaid Court before the Jury be impanneled; and if the Defendant in any Action ſuffer Default, and comes into Court and moves for a Re-entry of his Action, (after the Jury be impanneled) on paying the Plaintiff or his Attorney ſuch legal Coſt as ſhall then have aroſe, and half Fees to the Petit Jury, to whom the ſame ſhall be ordered by ſaid Court, he ſhall be admitted to a Re-entry of his Action, and to all ſuch Privileges as by Law he was intitled to on his firſt Entry.

Acts and Laws,

Paſſed by the Great and General Court or Aſſembly of His Majeſty's Province of the *Maſſachuſetts-Bay* in *New-England:* Begun and Held at *Boſton* upon Wedneſday the twenty ſixth Day of *May* 1742. And continued by Adjournments and Prorogations unto Thurſday the thirty firſt of *March* following.

CHAP. III.

An Act for fixing the Times for holding the Superiour Courts of Judicature, Courts of Aſſize and General Goal Delivery, and Courts of General Seſſions of the Peace, and Inferiour Courts of Common Pleas within the ſeveral Counties in this Province.

BE it enacted by the Governour, Council and Houſe of Repreſentatives, That the Times and Places for holding and keeping the Courts of General Seſſions of the Peace, and Inferiour Courts of Common Pleas within the reſpective Counties in this Province for the future ſhall be as followeth; *That is to ſay*, For the County of *Suffolk*, at *Boſton* on the firſt Tueſday of *July*, *October*, *January* and *April:* For the County of *Eſſex*, at *Salem* on the ſecond Tueſday in *July*, and laſt Tueſday in *December*, at *Newbury* on the laſt Tueſday in *September*, at *Ipſwich* on the laſt Tueſday in *March:* For the County of *Middleſex*, at *Cambridge* on the third Tueſday in *May*, at *Charleſtown* on the ſecond Tueſday in *December* and *March*, at *Concord* on the laſt Tueſday in *Auguſt:* For the County of *Hampſhire*, at *Springfield* on the third Tueſday in *May* and laſt Tueſday in *Auguſt*, at *Northampton* on the ſecond Tueſday in *February* and *November:* For the County of *Worceſter*, at *Worceſter* on the firſt Tueſday in *November* and *February*, the ſecond

The Times and Places of holding Inferiour Courts and Courts of General Seſſions of the Peace.

Tuesday in *May*, and the third Tuesday in *August*: For the County of *Plymouth*, at *Plymouth* on the first Tuesday in *March*, on the third Tuesday in *May*, *September* and *December*: For the County of *Barnstable*, at *Barnstable* on the last Tuesday in *June*, and on the third Tuesday of *March*, *October* and *January*: For the County of *Bristol*, at *Bristol* on the second Tuesday in *March*, *June*, *September* and *December*: For the County of *York*, at *York* on the first Tuesday of *April*, *July* and *January*, at *Falmouth* on the first Tuesday in *October*: For *Dukes County*, at *Edgartown* on the first Tuesday in *March* and last Tuesday in *October*: For the County of *Nantucket*, at *Sherburn* on the last Tuesday in *March* and first Tuesday in *October* yearly, and in every Year from Time to Time.

Times and Places of holding the Superiour Courts, &c.

And be it further enacted, That the Times and Places for holding and keeping the Superiour Court of Judicature, Court of Assize, and General Goal Delivery, shall for the future be as followeth: *That is to say*; Within and for the County of *Suffolk*, at *Boston* on the third Tuesday in *August* and *February*: Within and for the County of *Essex*, at *Salem* on the second Tuesday in *November*, at *Ipswich* on the second Tuesday in *May*: Within and for the County of *Middlesex*, at *Cambridge* on the first Tuesday in *August*, at *Charlestown* on the last Tuesday in *January*: Within and for the County of *Hampshire*, at *Springfield* on the fourth Tuesday in *September*: Within and for the County of *Worcester*, at *Worcester* on the third Tuesday in *September*: Within and for the County of *Plymouth*, at *Plymouth* on the second Tuesday of *July*: Within and for the County of *Barnstable* and *Dukes County*, at *Barnstable* on the third Tuesday in *July*: Within and for the County of *Bristol*, at *Bristol* on the fourth Wednesday in *October*: Within and for the County of *York*, at *York* on the third Wednesday in *June* yearly, and in every Year, from Time to Time until this Court shall order otherwise.

CHAP. IV.

An Act in Addition to the several Acts for regulating Fences.

Preamble.

WHEREAS the several Laws already made are ineffectual for obliging Persons to make and maintain Partition Fences between their Lands under Improvement, whereby the aggrieved Parties are put to great Expence and Charge in forcing a Compliance by the Rules of the Law:

Rules for the Charge of Partition Fences.

Be it enacted by the Governour, Council and House of Representatives, That from and after the first Day of *May* next, that the respective Proprietors of all Lands enclosed with Fence, shall keep up and maintain Partition Fences between their and the next adjoining Enclosures, in equal Halves according to Law, so long as both Parties continue to improve the same, and in Case either Party lay his Enclosure common, the Party improving shall allow for his Half of said Partition-Fence what the same shall be judged worth in the Estimation of two or more of the Fence-Viewers of such Town; and if any Person shall enclose such Land afterwards, or by joining Fences with another, enclose his Lands before lying common, he shall thereupon pay to the Person who owns the Partition-Fence the Value of one half of the same, in the Judgment of the Fence-Viewers as aforesaid, and all Partition-Fences hereafter to be made, shall be in like Manner done and maintained by the improving Parties in equal Halves; and in Case either Party refuse after six Days Notice to make up his Half thereof, the aggrieved Party shall forthwith apply himself to two or more of the Fence-Viewers of such Town, who hereby are impowered

impowered and enabled to make up the same according to Law, and upon such Person's Refusal, who ought to pay for the same, with their Costs and Charges thereon, to prosecute and sue for it in any Court of Law proper to try the same, and in Case any Dispute shall arise about the respective Owner's Right to any Part of such Fence, and his or their Obligation to maintain the same, upon Application made to two or more of the Fence-Viewers of such Town where the Land lies, they are hereby impowered to assign to each Party his Share thereof, and such Settlement being recorded in the Town-Clerk's Office, shall be binding upon such Persons, and they obliged always thereafter to maintain their Part of said Fence as aforesaid; and in Case any of the Parties aforesaid refuse or neglect (after six Days Notice given) to erect, keep up and maintain the Partition-Fences as is by this Act prescribed, upon Application made to two or more of the Fence-Viewers aforesaid, they shall do or cause the same to be done at the Cost of the Person neglecting his Duty, who (in Case of Refusal) shall be liable to the Suit of such Fence-Viewers for the Recovery thereof in Manner as aforesaid, who shall be allowed double for all their Charge and Expence in procuring Materials, and doing the Workmanship thereof: *Saving always*, to every Person and Persons any particular Agreement touching the making and maintaining Partition-Fences between their Lands.

Methods for determining Disputes about the Charge of Partition-Fences.

BOSTON, N. E.

Printed and Sold by Samuel Kneeland and Timothy Green, by Order of His Excellency the GOVERNOUR, Council and House of Representatives. MDCCXLIII.

An Act,

Paſſed by the Great and General Court or Aſſembly of His Majeſty's Province of the *Maſſachuſetts-Bay* in *New-England*: Begun and Held at *Boſton* upon Wedneſday the twenty fifth Day of *May* 1743.

CHAP. I.

An Act in Addition to and in Explanation of ſundry Clauſes of an Act intitled An Act to aſcertain the Value of Money and of the Bills of publick Credit of this Province, *&c.* made and paſs'd in the fifteenth Year of His Majeſty's Reign.

WHEREAS in the Law for aſcertaining the Value of Money and of the Bills of publick Credit of this Province paſſed in the fifteenth Year of his Majeſty's Reign, it is enacted, That all Debts contracted after the laſt Preamble. *Day of* March *A. D.* 1742, *(Specialties and expreſs Contracts excepted) ſhould be deemed equal to lawful Money, and every Debt of* ſix Shillings and eight Pence *Value ſo contracted ſhould or might be diſcharged by one Ounce of Silver, or* ſix Shillings and eight Pence *of the Bills of publick Credit emitted that Year, or that ſhould thereafter be emitted, equal in Value to an Ounce of Silver.* Provided nevertheleſs, *that in Caſe ſuch Bills ſhould be depreciated below the Value they were ſtated at by ſaid Act, that an Addition ſhould be made of ſo much more as would make them equal to the then fixed Value aforeſaid. And the Judges of the Superiour Court, agreable to the Directions of the aforeſaid Law, have made Inquiry by a Committee for that Purpoſe appointed, who have certified into the Secretary's Office that* ſeven Shillings and two Pence *of the Bills of Credit of the laſt Form and Tenor is equal to one Ounce of Silver; in Conſequence whereof Judgments have been made up in ſeveral Courts on Debts contracted ſince the laſt of* March *aforeſaid at that Rate, whereby an Addition of* ſix Pence *is made to the Creditor*

on every Debt of six Shillings and eight Pence *Value. And whereas by said Certificate compared with the Rates of Bills of Exchange in* March *aforesaid, it is manifest that the said Bills are not depreciated below the Value they passed at when first emitted, in as much as* six Shillings and eight Pence *in said Bills will now go as far in purchasing Bills of Exchange as when said Act was made, and the aforesaid Loss has happened to the Debtor from his not strictly attending the Direction of said Law, whereby every Debt of* six Shillings and eight Pence *is deemed equal to an Ounce of Silver, (Specialties and express Contracts excepted) and should have been considered by the Debtor at the Time of contracting such Debt as if the same had been payable in lawful Money. And whereas the Bills of publick Credit currant in this Province are at present the only Medium of the common Trade and Business within it, there will be continual Danger of the Debtor's computing his Debt according to the depreciated Value of such Bills whilst it is deemed by said Law to be contracted for lawful Money; and thereby great Damage may ensue to Debtors contrary to the true Intent and Meaning of the said Law:*

Wherefore

All Debts to deemed according to Value of the Bills when contracted.

Be it enacted by the Governour, Council and House of Representatives, That all Debts contracted since the last of *March* A. D. One thousand seven Hundred and forty two, or that shall hereafter be contracted (Specialties and express Contracts excepted) shall be deemed and adjudged equal to the real Value only such Bills have passed or shall pass at when such Debt was or shall be contracted; and every Debt of *twenty Shillings* contracted as aforesaid, shall or may be always hereafter discharged by *twenty Shillings* in said Bills, and so *pro ratâ* for a greater or less Sum; unless such Bills have already or should hereafter be depreciated below the Value they passed at when such Debt was or shall be contracted; and in such Case so much shall always be allowed by the respective Courts in this Province as shall make said Bills equal in Value to such Debt when contracted: Any Thing contained in the aforesaid Law to the contrary notwithstanding.

Saving an Allowance for Bills depreciating.

BOSTON, N. E.

Printed and Sold by Samuel Kneeland and Timothy Green, by Order of His Excellency the GOVERNOUR, Council and House of Representatives. MDCCXLIII.

An Act

Paſſed by the Great and General Court or Aſſembly of His Majeſty's Province of the *Maſſachuſetts-Bay* in *New-England*: Begun and Held at *Boſton* upon Wedneſday the twenty-fifth Day of *May* 1743, and continued by Adjournment to Thurſday the eighth Day of *September* following.

CHAP. I.

An Act for erecting of Work-Houſes for the Reception and Employment of the Idle and Indigent.

WHEREAS the erecting of Houſes for the Entertainment and Employment of idle and ſlothful Perſons who refuſe to exerciſe any lawful Calling or Buſineſs whereby to ſupport themſelves and Families, and of the Poor and Indigent that want Means to employ themſelves, may be of great Advantage to the Publick, and more eſpecially to the Towns that ſhall be concern'd in ſuch an Undertaking: Preamble.

Be it therefore enacted by the Governour, Council and Houſe of Repreſentatives, That whenſoever any Town within this Province ſhall ſee meet to erect or provide an Houſe for the Purpoſe before mentioned, ſuch Town ſhall be and hereby is authorized and impowered ſo to do; as alſo at their publick Meetings for the Choice of Town Officers in the Month of *March* annually, to choſe five ſeven or nine Overſeers of ſaid Houſe, who ſhall have the Inſpection, Ordering and Government thereof, with Power of appointing a Maſter and needful Aſſiſtants for the more immediate Care and Overſight of the Perſons received into, or employed in ſaid Houſe: which Overſeers once in every Month, and at other Times as Occaſion ſhall require, ſhall aſſemble together to conſider and determine of the moſt proper Methods for the Diſcharge of their Office; and at their ſtated monthly Meetings ſhall have Power to make needful Orders for the Regulation of ſuch Houſe, which Orders ſhall be binding till the next publick Meeting of the Inhabitants of ſuch Town (to whom ſuch Orders ſhall be preſented for Approbation) and when by them approved ſhall be obligatory until revoked by ſaid Town. Any ſingle Town may erect a Work-Houſe, appoint Overſeers, &c. Overſeers may make needful Orders for regulating ſuch Houſe.

Two or more Towns may erect a Work-House.

And be it further enacted, That when any Number of Towns shall agree (at their joint Charge and for their common Benefit) to erect or provide a Work-House for the Employment of Persons residing in such Towns that are indigent or idle, or to purchase Land whereon to erect such House and for the Accommodation of it, they shall be and hereby are vested with Authority so to do; and the Regulation Inspection and Government of such House when erected, ordering the needful Repairs of it, with Power of appointing a Master and other Assistants, and him or them (in Case of any irregular Behaviour, Incapacity, or other just Cause) to remove from their respective Offices or Trusts, shall be in the Hands of the Overseers to be from Year to Year specially appointed or chosen by the several Towns concerned at their anniversary publick Meetings in the Month of *March*; each Town to choose five, unless all the Towns engaged in the Undertaking shall agree upon any other Number or Proportions; and in Case of the Death of any Overseer, or his removal out of the Town for which he was appointed, the Vacancy thereby made may be supply'd by such Town at any other publick Meeting; and if any Town or Towns concern'd, shall neglect to choose such Overseers, in such Case the Person or Persons chosen by the other Towns may proceed in all Affairs of said House, any such Neglect or Refusal notwithstanding.

May appoint Overseers to inspect the House, and order the Affairs of it.

Overseers to hold quarterly Meetings.

And be it further enacted, That there be stated Quarterly Meetings of all the Overseers on the first Tuesday of the Months of *April*, *July*, *October* and *January*, from Year to Year, to be held at the Work-House, in order to inspect the Management thereof, and for the ordering the Affairs of said House; and besides these stated Meetings, intermediate Meetings (to be held at the Work-House) may be called (when Need requires) by the Overseers of any Town concern'd, due Notice of the Time and Occasion thereof being given to the rest in such Way and Manner as shall be agreed on by the Overseers at any General stated Meeting.

May choose a Moderator, Clerk, &c.

And be it further enacted, That the Overseers when duly assembled may choose a Moderator to regulate the Business of the Meeting, who shall have a Voice in Matters voted or transacted by the Overseers, in Case only of an Equi-Vote; and at their first general Meeting in every Year shall likewise choose a Clerk to enter and record all Votes and Orders that from Time to Time shall be made and passed by the Oversees, who shall be sworn to the faithful Discharge of his Trust.

May make Orders and By Laws.

May order a meet Allowance to the Master and Assistants.

And be it further enacted, That the Overseers for the Time being at a general quarterly Meeting (whereat one half at least of the whole Number of Overseers shall be present) shall have Power to make needful and reasonable Orders and By-Laws (not repugnant to the Laws of this Province) for the better and more decent regulating the said House, and well ordering the Affairs of it; which Orders shall be binding until the Expiration of the Year for which such Overseers shall be chosen, or until they shall be by them revoked: and at such Meeting may likewise agree with the Master or other Assistants, and order meet Allowance for their Care and Service during the Term for which such Overseers shall be chosen, or such further Term as the Towns concern'd shall agree; all other Matters of less Importance relating to the said House, may be transacted at any other Meetings duly warned, when but seven of the Overseers are present; subject nevertheless to be altered or reversed at any general stated Meeting.

And be it further enacted, That the yearly Stipend or Allowance to the Master and Assistants over and above what is provided for by this Act for their Care and Trouble, together with the Charge of keeping the House in Repair, shall be paid by the several Towns concerned in Proportion as they

set

ſet or rated in the Province Tax at the Time when ſuch Repairs ſhall be made, or ſuch Allowance ſtated by the Overſeers, or in ſuch other Proportion as all the Towns concern'd ſhall agree, and the Town or Towns refuſing or neglecting to advance their reſpective Proportion of ſuch Allowance or other Charges before mentioned, after they ſhall have been ſtated and adjuſted by the Overſeers, the ſame may be recovered of ſuch delinquent Town or Towns (in any Court proper to try the ſame) by Action to be brought by the Perſon or Perſons whom the Overſeers may appoint for that Purpoſe.

By whom and in what Proportion the Allowance to the Maſter and Charge of repairing the Houſe ſhall be defrayed.

And be it further enacted, That any three or more of the Overſeers in any Town already provided with ſuch a Houſe, and of the Overſeers in any Town that (either by themſelves or in Conjunction with other Towns) ſhall hereafter erect a Work-Houſe, be and they are hereby directed and impowred to commit to ſuch Houſe (by writing under the Hands of the ſaid Overſeers) to be employ'd and govern'd according to the Rules and Orders of the Houſe any Perſon or Perſons (reſiding in ſuch Town) that hereafter in this Act are declared liable to be ſent thither: Provided that no greater Number of Perſons belonging to any Town be received into the Houſe than ſuch Town's Proportion of ſaid Houſe (to be allotted them) can accommodate, when the receiving them will exclude or incommode ſuch as belong to other Towns.

Overſeers of each Town concern'd impowred to commit Perſons to the Work Houſe.

And be it further enacted, That the Perſons who ſhall be liable to be ſent to, employed and governed in any Work-Houſe erected or to be erected by one or more Towns, purſuant to this or any former Act, are all Poor and indigent Perſons, that are maintained by or receive Alms from the Town; alſo all Perſons able of Body to Work (and not having Eſtate or Means otherways to maintan themſelves) who refuſe or neglect ſo to do, live a diſſolute or vagrant Life, and exerciſe no ordinary or lawful Buſineſs or Calling whereby to gain an honeſt Livelihood; and all ſuch as having ſome rateable Eſtate but not enough to qualify them to vote in Town Affairs, do neglect the due Care and Improvement of it, and by conſuming their Time and Money in publick Houſes to the Neglect of their proper Buſineſs, or by otherways miſpending what they earn to the Impoveriſhment of themſelves or Families, are likely to become chargeable to the Town.

Qualification of Perſons liable to be ſent thither.

And it is hereby further provided and enacted, That if any Town ſhall refuſe or neglect to provide their Proportion of the needful Furniture for ſuch Houſe, or of the Materials, Implements and other Neceſſaries for carrying on the Work there to be performed, according to their Agreement, or as ſhall be ordered by the Overſeers, ſuch Town ſhall be deprived of the Priviledge of ſending any Perſon thither, until ſuch Time as they ſhall comply with ſuch Order or Agreement.

Towns neglecting to provide their Proportion of Materials, &c deprived of the Priviledge of ſending Perſons thither.

And be it further enacted, That beſides the aforeſaid Proportion of Materials &c. to be found by the Towns concerned, each Town may likewiſe provide ſuch Materials, Implements and Tools for Work as the Overſeers for ſuch Town ſhall judge any Perſon by them committed to ſaid Houſe can be employed about with moſt Profit and Advantage, during his or her Abode there; and the Maſter of the Houſe ſhall receive ſuch Materials and keep them ſeperate and apart from thoſe that ſhall be ſent by any other Town, and ſhall be accountable to the Overſeers of each Town concerned, as well for the prime Stock as for all Profits and Earnings that ſhall be made by the Labour of thoſe (belonging to ſuch Town) under his Care; and ſhall keep a Regiſter of the Names of the Perſons committed to ſuch Work-Houſe, with the Time of their being received into and diſcharged from it, and of their Earnings by their Labour, that ſo the ſame may appear to any of the Overſeers whenſoever they ſhall ſee Cauſe

The Maſter to keep the Materials ſent by each Town apart from thoſe ſent by other Towns.

To be accountable for the prime Stock and Earnings.

To keep a Regiſter, &c.

Controverſies betwixt the Maſter and Overſeers of any Town how to be determined.

Cauſe to inſpect them; and all Controverſies between the Maſter or Keeper of ſuch Houſe, and the Overſeers of any Town touching his Accompts or other Affairs whatſoever, may be determined by the Overſeers of the Houſe at a General Meeting.

Each Town to bear the Charge of ſupporting ſuch as they commit to the Houſe

And be it further enacted, That no Town ſhall be at Charge for the Support or Relief of any Perſon committed to ſaid Houſe, who was not ſent thither by the Overſeers belonging to ſuch Town; nor any Perſon orderly committed to it, ſhall be diſcharged from it, but by the Overſeers by whom he was committed, or by the Overſeers at a General Meeting, or otherwiſe by the Juſtices of the Court of General Seſſions of the Peace in the ſame County, upon Application to them made for that Purpoſe; and every Perſon ſo committed (if fit and able to Work) ſhall be held and kept ſtrictly and diligently imployed in Labour, during his or her abode there; and in Caſe they be idle and ſhall not duly perform ſuch Taſk or Stint as ſhall be reaſonably aſſign'd them, or ſhall be ſtubborn and diſorderly, ſhall be puniſh'd according to the Orders that ſhall be made for the ruling, governing, and puniſhing of the Perſons there to be committed, not repugnant to the Laws of this Province.

How Perſons committed may be diſcharged

Perſons committed to be kept to Labour.

In Caſe they be idle or diſorderly, to be puniſhed.

And be it further enacted, That one third Part of the Profits or Earnings of the Work done by the Perſons detained in ſuch Houſe, ſhall be to the Maſter for and towards his Support, over and above ſuch further annual Stipend as the Overſeers ſee meet to order and allow him as before mentioned for his Care and Service.

The Maſter to have one Third of the Earnings.

And be it further enacted, That the prime Stock, together with the other two Thirds of the Profits or Incomes of the Labour of the Perſons employed there, ſhall be diſpoſed of by the Overſeers of the reſpective Towns to whom it belongs, either to the Maſter in Satisfaction for his Service, Care and Expence about the Perſons by them committed to him, and at ſuch Rate as the ſaid Overſeers and Maſter ſhall agree, or for the Support of the Families of the Perſons there detained (if any ſuch they have) or otherwiſe for the Uſe of ſuch Town as Occaſion ſhall require.

How the other two Thirds of the Earnings and the prime Stock ſhall be diſpoſed of.

And be it further enacted, That any Work-Houſe erected as aforeſaid may be diſcontinued or applied to any other Uſe whenſoever the Town or Towns concerned ſhall find or judge their Circumſtances require it, and ſhall agree ſo to do.

Any Work-Houſe may be diſcontinued, in Caſe.

Provided nevertheleſs, That nothing herein contained ſhall be conſtrued or underſtood to abridge the Town of *Boſton*, or the Overſeers of the Poor thereof, any Priviledge or Power (with Relation to a Work-Houſe) already granted them by a late Law of this Province for that Purpoſe made and provided.

BOSTON: N. E.

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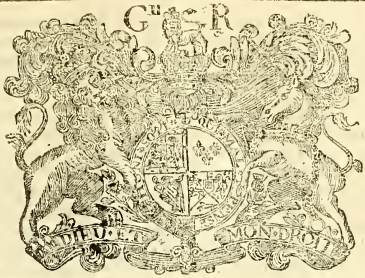


An Act

Paſſed by the Great and General Court or Aſſembly of His Majeſty's Province of the *Maſſachuſetts-Bay* in *New-England*: Begun and Held at *Boſton* upon Wedneſday the twenty-fifth Day of *May* 1743, and continued by Adjournment and Prorogation to Thurſday the twentieth of *October* following.

CHAP. II.

An Act for the more ſpeedy finiſhing of the Land Bank or Manufactory Scheme.

Preamble.

WHEREAS notwithſtanding the Directors and Partners of the late Land Bank Company have in general publickly renounced their Scheme, and great Numbers of them have redeemed their juſt Proportions of the ſaid late Company's Bills, and delivered them up to be conſumed, yet many of the Partners ſtill neglect to do it, by Means whereof thoſe who have paid a due Obedience to the Law, in this Regard ſtill remain expoſed to the Actions of the Poſſeſſors of the ſaid late Company's Bills, commonly called the Manufactory Bills, which are now outſtanding, and many of them have ſuffered great Loſs thro' the Default of their Partners, who contemptuouſly refuſe to redeem their due Proportions of the ſaid Bills.

Now for the more ſpeedy finiſhing of the ſaid Scheme in as equitable a Manner as may be, and preventing ſuch of the Directors and Partners as have complied with the Law from ſuffering Ruin or Dammage thro' the Obſtinacy or Neglect of their delinquent Partners:

Commiſſioners for finiſhing the Land Bank Scheme.

Be it enacted by the Governour, Council and Houſe of Repreſentatives, That *John Jeffries*, *Samuel Danforth*, and *John Chandler*, Eſqrs; be Commiſſioners to receive Commiſſion for the Purpoſes hereafter mentioned from the Governour, and the ſaid Commiſſioners or any two of them, ſhall by Virtue of this Act, have full Power effectually to order and adjuſt all the Affairs and Buſineſs neceſſary for the juſt and equal finiſhing of the ſaid Land Bank and Manufactory Scheme; which Commiſſioners before their entring upon the Execution of the ſaid Truſt, ſhall take the following Oath, *viz.*

Their Power.

Commissioners Oath.

I A. B. *do Swear, that I will faithfully honestly and impartially manage and discharge the Trust reposed in me by the Commission for ordering and adjusting all the Affairs necessary for the finishing of the Land Bank Scheme, without Favour or Affection, Prejudice or Malice, to the best of my Skill.* So help me GOD.

And the said Commissioners, or any two of them, shall have full Power to call before them and examine upon Oath any Persons whomsoever, touching the Affairs and Trade of the said late Company, and to order all the Effects, Books, Papers, and Writings, relating to the said Scheme and Trade, to be delivered up to them, that they may discover all the Debts and Credits of the said late Company, and the Quantity of their Bills emitted, how many of them are redeemed and consumed, or lying ready to be consumed, and by whom they were redeemed, how many are still outstanding; what Loss and Charge hath already incurred upon them; and what is the Proportion of every Director and Partner of the said late Company for the Redemption of the outstanding Bills.

For preventing fraudulent Conveyances.

And for preventing any fraudulent Alienations or Conveyances of the Estates of such of the aforesaid late Directors and Partners, who have not redeemed their just Proportions of the said Bills, in order to defraud the said late Company's Creditors, and avoid the Effect of this Act:

Commissioners Power.

Be it further enacted, That from and after the Publication of this Act the Estate of each and every such Director and Partner shall be thereby bound and subjected to the Payment of such Sum or Sums of Money as shall be assessed upon him by the said Commissioners, or any two of them, with the Approbation and Allowance of the Great and General Court of this Province (as is herein after mentioned) for the Redemption of their respective Proportions of the Bills of the said late Company, and their equitable Part and Share of all Loss and Charges arising by the said Scheme, in such Manner as the same or any Part of it would be bound and subjected by the actual Service of Process of Attachment upon it at the Suit of any Creditor, according to the ordinary Course of the Law, and the Usage within this Province: And the said Commissioners or any two of them, are hereby enabled in their own Names to demand and receive such Sums of Money as shall be so assessed upon any of the delinquent Directors or Partners, and allowed by the General Court as aforesaid, and also to raise the same by mortgaging in their own Names that Part of any delinquent Directors or Partners Estate which he had mortgaged to the said late Company for Performance of his Covenants and Agreements with them: or, if need be in their own Names to sue for and recover the aforesaid Sums or any Part thereof, in any of His Majesty's Courts within the County of *Suffolk*, by such Actions as the Nature of the Case shall require: And the said Commissioners, or any two of them, are hereby likewise enabled in their own Names to demand and receive of and from any Person or Persons whatsoever, any Money, Goods or Effects whatsoever, due or owing from them to the said late Land Bank Company, and if need be in their own Names to sue for and recover the same in any of His Majesty's Courts within the County of *Suffolk*, by such Action as the Nature of the Case shall require; and shall apply all such Sums of Money, Goods and Effects as they shall receive and recover of and from the said delinquent Directors and Partners, and the Debtors of the said late Company, or any of them, together with such Sums of Money as they shall raise by mortgaging the aforesaid Estates of the said delinquent Directors and Partners, or any of them, towards the Redemption of the outstanding Bills of the said late Company, and shall from Time to Time give publick Notice in the *Boston Gazette*, of what Sums of Money they shall so receive, that the Possessors of the said Bills may bring the same in to them, to be redeemed: And the said Commissioners, or any two of them, are hereby enabled equitably

bly to apportion whatsoever **Loss shall** finally appear to arise by the said Scheme or Trade to the said late **Company** in general, or to any of the said Directors or Partners in particular, **either** thro' the Insolvency of any of the said late Directors and Partners, **or by** Means of the Charge attending the said late Manufactory Scheme, or otherwise howsoever, among the said late Directors and Partners in general, as the Justice of the Case shall require, so as that each of them may bear as near as may be his equitable Proportion of the Loss and Burthen arising by their said late Scheme or Trade; and are hereby enabled in their own Names to demand, sue for and recover in any of His Majesty's Courts within the County of *Suffolk*, in such Manner as is aforesaid, of and from each and every of the said late Directors and Partners, such Sum and Sums of Money as shall be so assessed upon any of them, with the Approbation and Allowance of the Great and General Court for their respective Shares of the aforesaid Loss and Burthen from Time to Time, till the aforesaid Scheme shall be finished, and thereupon all the said Manufactory Bills which shall be received by the said Commissioners shall be burnt, and the Plates of the said late Company from whence they were struck, be defaced and broken, and all the Securities given by any of the said late Directors and Partners to the said late Company, shall be cancelled by the said Commissioners, or any two of them, in their own Names.

Provided always, That this Act shall not be adjudged or construed to be intended to hinder the Possessors of any of the Manufactory Bills from making the same Demands upon any of the late Directors and Partners of the said late Manufactory Company for the Redemption of the said Bills, as they might have made upon them before the Publication of this Act; and that the Estates of the said Directors and Partners shall be as liable to be attach'd at such Suits of the Possessors of the said Bills, or of any other just Creditor, as they were before the making of this Act; any Thing herein contained to the contrary thereof in any wise notwithstanding.

Directors and Partners liable to the Suits of the Possessors of the Bills and others.

Provided also, That the said Commissioners shall make a Report of their Proceedings in the Execution of their aforesaid Trust, to the Great and General Court at their Session which will begin and be held in *May* next, for their Approbation and Allowance or Disallowance thereof, either in Whole or in Part, and that any of the said late Directors and Partners who shall think himself aggrieved by such Proceedings of the said Commissioners, may file his Appeal from their Determination to the said Court at their aforesaid Session in the Secretary's Office, at any Time before the said Session of the said Court, and in Case the Receipt of any Sum in the said Manufactory Bills charged upon any of the said late Directors and Partners by the said Commissioners shall be denied in such Appeal, or the Redemption of any of the said Bills or the Payment of any Sum of Money to the said late Company, for which no Allowance has been made by the Commissioners, shall be insisted upon in such Appeal, or any Person upon whom the Commissioners shall assess any Sum of Money to be paid, shall deny in such Appeal that he was either a Partner or Director, or any Ways concerned in the said late Manufactory Scheme, and the Appellant in any of these Cases pray that a feigned Issue at Law may be directed to be try'd for the Determination of any of the said Matters of Fact in one of His Majesty's Courts of Judicature, then the Great and General Court shall upon the Appellant's depositing *ten Pounds* lawful Money in the Secretary's Office as Caution Money for the Payment of Costs, if the Verdict upon the trial of such Issue shall be found against him, direct an Issue at Law accordingly, to be tried at the Superiour Court of Judicature to be held for the County of *Suffolk* next after such Order made; which Trial shall be a final Determination of such Matter: And in Case the Verdict in the same shall

Provision for an Appeal to the Governor and Council.

Matters to be tried in the Superiour Court.

Caution to be given in the Secretary's Office.

shall be for the Appellant, then his aforesaid Caution Money deposited in the Secretary's Office, shall be returned to him: And the Clerk of the Superiour Court of Judicature is hereby directed to return a Copy of the Record of such Trial into the Secretary's Office as soon as may be, for the Information of the Great and General Court therein, which shall thereupon proceed to the Determination of the Appeal.

Mortgages to be made by the Commissioners to be good.

And be it further enacted, That all Mortgages of any Lands or Tenements of any of the said late Directors or Partners made by the said Commissioners, or any two of them as aforesaid, shall be good and effectual to all Intents and Purposes in the Law; and the former Mortgages thereof made by the Owners to the said late Company, shall be thereupon cancelled and discharged by the said Commissioners, or any two of them, in their own Names.

Preamble.

And whereas several Parcels of the said Manufactory Bills may be lodged in some or other of His Majesty's Courts of Judicature within this Province, upon Judgments obtained there by some of the Possessors of such Bills against some of the Directors or Partners of the late Land Bank Company, for the Redemption of the said Bills:

For preventing fraudulent Conveyances.

Commissioners Power.

Bills lodged in the Courts to be delivered to the Commissioners.

Be it further enacted, That the Justices of such Courts shall within thirty Days after the Publication of this Act cause such Bills to be delivered up to the aforesaid Commissioners, with a Certificate of the Names of the Possessors who lodged the said Bills in Court, and of the Directors or Partners of the said late Company against whom Judgment was obtained for the Redemption of the said Bills.

Allowance to the Commissioners.

And the said Commissioners shall be allowed each *ten Shillings* for every Day of their Attendance upon the Execution of their said Trust, and no more, to be paid by the late Directors and Partners of the aforesaid Scheme, as also all other necessary Charges which they may be at in prosecuting the Affair aforesaid, out of the Effects of the said late Company, and shall render an Account of their Proceedings to the Great and General Court, when and so often as thereunto required, and shall sit three Days at least in a Week for the Dispatch of said Business, until the same shall be finished.

Provision in Case of a Vacancy.

And be it further enacted, That in Case of the Death or Refusal of any of the Commissioners aforesaid, such Vacancy shall be supply'd by the Great and General Court.

BOSTON: N. E.

Printed and Sold by **Samuel Kneeland** and **Timothy Green**, by Order of His Excellency the GOVERNOUR, Council and House of Representatives. MDCCXLIII.

Acts and Laws

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*: Begun and held at *Boston* upon Wednesday the twenty-fifth Day of *May* 1743, and continued by Adjournment and Prorogations to Wednesday the eight Day of *February* following.

CHAP. III.

An Act to impower Justices of the Peace to summon Witnesses.

WHEREAS it often happens that when Disputes of a civil Nature arise between Parties, the Matter is submitted to the Arbitrament and Determination of Persons mutually chosen between them, or where Actions are commenced the Parties enter into a Rule of Court, whereby much Cost and long Contentions in the Law are prevented, but for want of proper Authority to summon Witnesses before the Arbitrators and Referees, such Submissions, References and peaceable Settlements of Disputes are not so easy as otherwise they might be: Wherefore, Preamble.

Be it enacted by the Governour, Council and House of Representatives, That when any such Dispute or Difference arising between Parties shall by them be submitted to the Arbitrament and Determination of Persons mutually chosen between them, or where Actions are commenced and the Parties have entred into a Rule of Court, it shall and may be lawful for any one of His Majesty's Justices of the Peace within this Province in the respective Counties, on Application of either of the Parties or of the Persons arbitrating, to grant Subpænas to summon and cause to appear before the Arbitrators or Referees such Person or Persons as shall be named for Evidences in the Premises, as fully and in the same Manner as by Law he might in Cases depending before himself; and every Person so summoned that shall refuse or neglect to appear and make Oath before a Justice of the Peace in the Presence of the Arbitrators or Referees as aforesaid (having first been paid as in civil Causes is allowed to Witnesses) shall be subject to the same Forfeiture and Damage as by Law he might be were he summoned to appear before any Court of Record, and should refuse or neglect Obedience thereto. Justices impowred to summon Witnesses in Arbitrations, References &c. Penalty for Witnesses refusing to give Evidence.

How Witnesses going abroad are to be sworn.

And be it further enacted, That when any Witness may be going to Sea, or lives more than thirty Miles from the Place of the Sitting of the Referees or Arbitrators, or by Reason of Age, Sickness, or other bodily Infirmities is uncapable of travelling and appearing in Person, then any Justice of the Peace to whom Application may in such Case be made, is hereby impowered and directed to proceed in taking such Person's Evidence according to the Law made for taking Affidavits out of Court.

CHAP. IV.

An Act for the Preservation of and to promote the Growth of a certain Parcel of Wood and Timber in the Township of *Ipswich* in the County of *Essex*.

Preamble.

WHEREAS *there is a large Tract or Parcel of Wood Land lying in the said Township of* Ipswich, *commonly known by the Name of* Chebacco-Woods, *situate more particularly between* Chebacco Ponds *and* Manchester *Town-Line, which Wood Land is lotted laid out and owned by a considerable Number of Persons. And whereas it would be of great Advantage to said Town, as well as to the particular Owners of the said Wood and Timber, that the Growth thereof should be preserved from the feeding and browsing of Cattle and Sheep, which are frequently turn'd and kept there, in considerable Numbers; and the Laws already in Force for imbodying Proprietors of common Fields, not reaching this Case, there needs a further Provision:* Wherefore,

Method for calling a Meeting of the Proprietors of *Chebacco* Woods.

Be it enacted by the Governour, Council and House of Representatives, That after the Publication of this Act it shall and may be lawful for any five of the Proprietors of said Wood Land to apply to a Justice of the Peace within the same County, setting forth in writing the intended Bounds by which they would limit their proposed Propriety, together with their Intention for Imbodying for that Purpose, with the Time and Place of their intended Meeting, on which Application the Justice shall make out his Warrant to one of the principal Proprietors so applying to notify the said Owners and Proprietors to assemble and meet by posting up a Notification for that End on one publick House in each of the Parishes in said Town twenty Day at least before the Time of such Meeting, at which Time and Place it shall be lawful for the said Proprietors to meet to choose a Moderator and Clerk, and if two Thirds of the whole Proprietors (to be reckoned by Interest) shall see meet they may by a Vote imbody themselves into a Society, in which Society the whole Proprietors owning Lands within the proposed Limits shall be concluded, and may at said Meeting agree upon some proper Methods for calling Proprietors Meetings for the future, and the said Proprietors so imbodyed shall have and enjoy all the Powers and Privileges for the ordering and managing the Affairs of the said Wood, and for the Preservation and Increase thereof, as fully and amply to all Intents and Purposes, as any Proprietors of Common or General Fields already imbodyed, do or may enjoy by Laws of this Province already in Force respecting any Improvements.

Power of the said Proprietors in their Meeting.

Aggrieved Persons may apply to the General Sessions of the Peace.

Provided nevertheless, That if any one of the said Proprietors shall think himself aggrieved by their imbodying as aforesaid, and shall then enter his Dissent with the Clerk of said Meeting, he may apply for Relief to the Court of

of General Sessions of the Peace next to be holden within the said County; and the said Court may thereupon appoint three Persons indifferent and disinterested to hear the Parties, duly weigh and consider the Circumstances, and report their Opinion to the said Court what may be reasonable to be done between the said Parties, which Report being returned the Court shall enter up Judgment thereon, and such Judgment shall be binding; any Thing herein contained notwithstanding. And the said Proprietors shall observe the same Rules and Methods in ordering and managing their whole Affairs in all Respects as the Laws have provided in Cases of Common or General Fields.

CHAP. V.

An Act in Addition to an Act made in the fifteenth Year of his present Majesty's Reign, Intitled, *An Act in Addition to an Act made to prevent the Destruction of the Fish called* Alewives *and other Fish.*

WHEREAS in and by an Act made in the fifteenth Year of his present Majesty's Reign, Intitled An Act in Addition to an Act made to prevent the Destruction of Alewives and other Fish, *it is provided, That all Persons that should thereafter build any Mill Dam or Dams, or that had before the Time of the passing the same built any such Dam across any River or Stream where the* Salmon, Shad, Alewives *or other Fish usually pass up into the natural Ponds to cast their Spawn, shall make or open a sufficient Passage Way for the Fish to pass up such River or Stream through or round such Dam, and shall keep it open for the free Passage of the Fish from the first Day of* April *to the last Day of* May *annually; and also that a sufficient Water Passage round, through or over such Dams should be made for the Passage of such Fish or their young Spawn in the Season of their going down such River or Stream, on Penalty of* fifty Pounds *for every Offence: But by Reason that no Direction is therein given with Respect to the sufficiency of the Sluice or Passage so to be made or left open, there arises great Difficulty to the Owner or Occupant of such Dams in complying therewith. And whereas by Reason that in some Streams and Rivers the said Fish pass sooner and in others later in the Year than the Time prescribed in said additional Act, as well as that the Time of their passing up and down, is in some Streams and Rivers longer, and in some shorter, so that it is found by Experience that the general Rule in the aforesaid Cases by Law provided, does not only fail of the good Ends proposed thereby, but also exposes the Owners and Occupants of such Dams to Trouble and Damage not necessary to answer the good Purposes of said additional Act:* Wherefore, Preamble.

Be it enacted by the Governour, Council and House of Representatives, That it shall and may be lawful for any Owner or Occupant of any such Dam or Dams already built, or that may hereafter be built, and who are or may be obliged by said additional Act to open or leave open such Passage as aforesaid to apply to the next Court of General Sessions of the Peace to be holden in and for the County where such Mill Dam is, and the Justices of the Court respectively on such Application are impowered and directed to appoint a Owners or Occupants of Dams may apply to the Sessions to order the Passages for Fish and the Circumstances thereof.

a Committee of three sufficient, and as much as may be, disinterested Persons under Oath, to repair to the Dam where the Passage is proposed to be opened, and carefully view the same, and in the best Manner they are able to inform themselves of the most proper Place for the Passage of such Fish up and down Stream, of what Dimensions the same shall be made or appointed to be, and what Part of each Year, and how long the same shall be kept open, and return the same under their Hands, or the Hands of the major Part of them, to the said Court for their Acceptance: which Return so made and accepted, shall be deemed and adjudged the lawful Rule of Proceeding in making and keeping open the Passage and Passages for the Fish in passing up and down the Rivers and Streams for the future: Any Thing contained to the contrary in said additional Act notwithstanding.

Parties aggrieved by such Order to apply to the Sessions for Relief.

Provided nevertheless, That if at any Time after such Determination either Party shall think themselves aggrieved by such Determination, it shall and may be lawful for the Owner or Owners, Occupant or Occupants of such Mill Dam or Dams, or any other five Persons of the other Party who may expect Benefit by said Fish passing up such Rivers or Streams once more to apply to the said Court for a new View and Report on the Premises in Manner aforesaid, which being by said Court accepted shall be final; the Charge of such Application to be born by the Persons applying in Case no material Alteration on the first Return is made, but otherways be born by the Owners of the Dam, in Proportion to their Interest, to be first stated and allowed by the said Court of General Sessions, and may be recovered by Action or Actions of Debt in any Court proper to try the same.

Charge how to be born.

BOSTON: N. E.

Printed and Sold by Samuel Kneeland and Timothy Green, by Order of His Excellency the GOVERNOUR, Council and House of Representatives. MDCCXLIII.

Acts and Laws

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England:* Begun and Held at *Boston* upon Wednesday the twenty-fifth Day of *May* 1743, and continued by Adjournment and Prorogations to Wednesday the eighth Day of *February* following.

CHAP. VI.

An Act to explain a Paragraph in an Act of this Province made in the present Year of his Majesty's Reign, for the more speedy finishing the *Land Bank* or *Manufactory Scheme.*

Preamble.

WHEREAS in and by an Act made and pass'd at the Session of this Court held the twentieth Day of October *last intitled* An Act for the more speedy finishing the *Land Bank* or *Manufactory Scheme, it is (among other Things) provided that the said Act* " shall not be adjudged or " construed to be intended to hinder the Possessors of any of the Manufactory " Bills from making the same Demands upon any of the late Directors and " Partners of the said late Manufactory Company for the Redemption of the " said Bills, as they might have made upon them before the Publication " of the said Act, and that the Estates of the said Directors and Partners " shall be as liable to be attached at such Suits of the Possessors of the said " Bills or of any other just Creditor, as they were before the making of the " said Act, any Thing therein contained to the contrary thereof in any wise " notwithstanding." *And in and by another Clause of the said Act it is enacted,* " That *whereas several Parcels of the said* Manufactory Bills *may be lodged in* " *some or other of his Majesty's Courts of Judicature within this Province upon* " *Judgments obtained there by some of the Possessors of such Bills against some of* " *the Directors or Partners of the late* Land Bank *Company for the Redemption* " *of the said Bills*; The Justices of the said Courts shall within thirty Days " after the Publication of that Act cause such Bills to be delivered up to the " aforesaid Commissioners with a Certificate of the Names of the Possessors

" who lodged the said Bills in Court, and of the Directors or Partners of the " said late Company against whom Judgment was obtained for the Redemp- " tion of the said Bills."

And whereas it may have happened that some of the Possessors of the said Manufactory Bills *who had before the making of the aforesaid Act obtained Judgments in some or other of his Majesty's Courts of Judicature within this Province against some of the Directors or Partners of the said late Manufactory Company for the Value of some of the said Bills and Interest due thereon, pursuant to the Act of Parliament in that Case made and provided, and had thereupon lodged such Bills in the Court where they had obtained such Judgments, but had not then nor have yet received Satisfaction upon those Judgments.*

And whereas some Doubt has arisen whether the Justices of his Majesty's Courts of Judicature where any of the said Manufactory Bills are lodged as aforesaid, are not directed and bound by the last recited Clause of the aforesaid Act of this Court to deliver up all the same without Exception to the aforesaid Commissioners, as well in Cases where the late Possessors of the said Bills who have obtained Judgment in their Court for the Value of the same and Interest due thereon with Costs of Suit, have not received full Satisfaction upon such Judgments, as in Cases where they have received Satisfaction upon the same; Which Construction of the said Clause is contrary to and inconsistent with the plain Sense of the herein before first recited Clause of the same Act, and to the Intent and Meaning of the said Act in general.

Now for removing the said Doubt and preventing any Misconstruction of the said Act in the Case before-mentioned :

Manufactory Bills that for which Value has been receiv'd only to be delivered to the Commissioners.

Be it enacted and declared by the Governour, Council and House of Representatives, That the true Intent and Meaning of the herein before recited Clauses of the aforesaid Act for the more speedy finishing of the *Land Bank* or *Manufactory Scheme*, was at the Time of passing the said Act, and shall be adjudged, construed and taken to be, that such only of the said *Manufactory* Bills, for the Value of which Judgments as aforesaid have been obtained, and the late Possessors have received full Satisfaction according to such Judgments, and it so appears by the Records of the said Courts, shall be delivered out of any of the said Courts of Judicature to the aforesaid Commissioners : Any Thing in the afore-recited Act to the contrary notwithstanding.

CHAP. VII.

An Act to enable Justices of the Peace and Town Clerks to administer an Oath to Sealers of Weights and Measures, &c. and to establish their Fees.

Preamble.

WHEREAS by Law it is provided, that Sealers of Weights and Measures when chosen shall be presented to the Court of General Sessions of the Peace to be sworn, which by Reason of the Distance of many Towns in this Province from any such Court, often occasions great Delay and unnecessary Trouble.

For preventing of which for the future :

Be

Juſtices of Peace and Town Clerks to adminiſter the Oath to Sealers of Weights and Meaſures.

Be it enacted by the Governour, Council and Houſe of Repreſentatives, That from and after the Publication of this Act, it ſhall and may be lawful for any one of his Majeſty's Juſtices of the Peace in the reſpective Counties to adminiſter an Oath to any Sealer of Weights and Meaſures that may be choſen (as by Law already provided) in any Town within the County where ſuch Juſtice lives, or the Town Clerk in ſuch Towns where no Juſtice dwells, and ſuch Sealer ſo choſen and ſworn ſhall be deemed legally qualified for his Truſt.

And whereas in the late Law for eſtabliſhing Fees no Proviſion is made for ſuch Officers, and by the Alteration of the Value of Money, the former Fees are become unequal:

Fees for Sealers fixed.

Be it enacted, That for the future the Fees for the firſt Sealing any Weight, Meaſure, Scale or Beam ſhall be *one Penny half Penny*, and for each After-ſealing any ſuch Weight, Meaſure, Scale or Beam, *one Penny*, which the Sealer may demand and take, and no more: Any Law, Uſage or Cuſtom to the contrary notwithſtanding.

CHAP. VIII.

An Act to confirm ſeveral Votes of the Proprietors of the weſterly Half of *Leiceſter*.

Preamble.

WHEREAS the Proprietors of the weſterly Half of the Town of Leiceſter *at their Meeting on the ſecond of* November *laſt, voted that their Lands be ſubjected to a Tax of* two Pence *old Tenor per Acre for the Year* 1744, *and a further Tax of* two Pence *old Tenor per Acre yearly for the four next Years, for and towards the Support of a learned orthodox Miniſter in that Part of the ſaid Town; and alſo that their ſaid Lands ſhall be ſubjected to a further Tax of a* Penny *old Tenor per Acre for the firſt Year*, viz. *the Year* 1744, *to pay contingent Charges; And that the ſaid Proprietors at their Meeting on the fifteenth of this Inſtant* February, *choſe Mr.* Samuel Hunt *their Treaſurer, and voted that the Lands ſhall be ſubjected to a further Tax of a* Penny *new Tenor per Acre towards the Settlement of a Miniſter; provided always that thoſe of the Proprietors and Setlers that have ſubſcribed a Writing dated the* 27th *of* December *laſt for that Purpoſe ſhall pay to Mr. Treaſurer* Hunt *the ſeveral Sums therein ſet againſt their Names, amounting together to the Sum of a* hundred and ſeven Pounds *old Tenor: And at both the Meetings aforeſaid, the ſaid Proprietors voted, that Meſſieurs* James Wilſon, John Stebbins, *and* Moſes Smith, *Inhabitants of the weſterly Half of* Leiceſter *be Aſſeſſors of the Monies voted as aforeſaid, and that Meſſieurs* John Cunningham, Samuel Bemus, *Jun. and* Joſhua Barton, *be Collectors to collect the Monies that ſhall be aſſeſſed on the ſaid Proprietors by the ſaid Aſſeſſors; and alſo that the Clerk be deſired to make Application to the Great and General Court to confirm the Votes aforeſaid.*

And whereas Samuel Tyley, *Jun. Clerk of the ſaid Proprietors hath prefer'd his humble Petition in Behalf of the ſaid Proprietors to the Great and General Court now ſitting, praying them to paſs an Act or Law for confirming the Votes aforeſaid, and enabling the ſaid Aſſeſſors to aſſeſs and the ſaid Collectors to collect, and the ſaid Treaſurer to receive the Monies aforeſaid:*

Therefore

Be

Votes of the Proprietors of the Weſt Part of *Leiceſter* confirmed.

Be it enacted by the Governour, Council and Houſe of Repreſentatives, That the Votes aforeſaid, made by the ſaid Proprietors in Manner as aforeſaid, be and hereby are confirmed, and that the ſaid Aſſeſſors (or any two of them) and the ſaid Collectors (after they have been duly ſworn for thoſe Purpoſes) be and hereby are impowered and enabled to aſſeſs the ſaid Inhabitants, and collect and receive the Moneys aforeſaid in the ſame Manner as other Towns or Precincts have heretofore aſſeſſed and collected their Rates and Taxes, and that the ſaid Treaſurer or his Succeſſors be and hereby is enabled to receive the ſame; which the ſaid Collectors are to pay to the ſaid Treaſurer accordingly.

BOSTON:

Printed and Sold by **Samuel Kneeland** and **Timothy Green**, by Order of His Excellency the GOVERNOUR, Council and Houſe of Representatives. MDCCXLIII.

An Act

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*: Begun and Held at *Boston* upon Wednesday the thirtieth Day of *May* 1744, and continued by Adjournment to Thursday the ninth Day of *August* following.

CHAP. IX.

An Act in further Addition to and Explanation of the Act for the more speedy finishing of the *Land Bank* or *Manufactory Scheme*.

Preamble.

WHEREAS in and by an Act passed in the seventeenth Year of his present Majesty's Reign, intitled An Act for the more speedy finishing of the Land Bank or Manufactory Scheme; *it is provided, that the Commissioners therein named, should make a Report of their Proceedings in the Execution of their Trust to this Court at their present Session for their Approbation and Allowance, or Disallowance thereof, either in Whole or in Part, and that any of the late Directors and Partners of the late* Land Bank *or* Manufactory *Company, who should think himself aggrieved by the Proceedings of the said Commissioners, might file his Appeal from their Determination to this Court in the Secretary's Office at any Time before the present Session thereof.*

And whereas the Affairs of the said late Company have been since found to be so circumstanced, that an Assessment on all the late Directors and Partners for their respective Proportions of the whole of the Charge and Loss that has arisen on said Scheme and Trade could not be made before the present Session of this Court; but the said Commissioners have, during the present Session thereof, assessed such of the delinquent Partners in said Scheme as have paid no Part of what is due from them to the said late Company, nor have otherwise redeemed any Part of the Bills which they borrowed and received of the said late Company, in divers Sums of Money, consisting of the principal Sums by the said delinquent Partners respectively received from the said late Company in Land Bank *or* Manufactory Bills, *and the*

Intereſt due thereon, together with the further Sums of ſix Pounds *on every Hundred of the original Sum drawn out of the ſaid late Company's Stock, or borrowed out of the ſame by ſuch of the ſaid aſſeſſed Partners as were concerned in Trade, and* three Pounds *on the Hundred, as the Proportion of the other aſſeſſed Partners, and ſo* pro ratâ *for any greater or leſs Sum; and have made a Report of their ſaid Proceedings to this Court, which Report is dated* 16*th of* Auguſt 1744. *But inaſmuch as the Parties ſo aſſeſſed have had no Opportunity, in Caſe they ſhould think themſelves aggrieved by the ſaid Proceedings, of filing their Appeal from the aforeſaid Determination of the ſaid Commiſſioners, to this Court, at their preſent Seſſion, as in and by the before in Part recited Act it is provided they ſhould have Liberty to do:*

Appeal allowed to the Partners of the Land Bank to the General Court from the Commiſſioners Determination.

Be it therefore enacted by the Governour, Council and Houſe of Repreſentatives, That the ſaid Partners of the ſaid late Manufactory Company, who have been aſſeſſed by the ſaid Commiſſioners in Manner aforeſaid, and every of them ſhall have Liberty, in Caſe they or any of them ſhall think themſelves aggrieved by the before-mentioned Determination and Aſſeſſment to appeal from the ſame to this Court at their next Seſſion, provided they ſhall file ſuch Appeal or Appeals in the Secretary's Office on or before the ſeventh Day of *September* next enſuing, and ſuch Appeals and the Matters ariſing thereon ſhall be wholly governed, tried and determined by the Rules preſcribed touching Appeals by the ſaid in Part recited Act. And the aforeſaid Proceedings of the ſaid Commiſſioners, and every Part thereof, are hereby declared to to be allowed and approved of by this Court againſt ſuch of the Partners aſſeſſed as aforeſaid, who ſhall not file their Appeals from the ſame as aforeſaid, within the Term herein before limited for that Purpoſe: And ſuch of the ſaid Partners ſhall be chargeable to pay to the ſaid Commiſſioners the reſpective Sum or Sums aſſeſſed upon them; and on Neglect of Payment thereof, the ſaid Commiſſioners may in their own Names raiſe, ſue for, and recover the ſame in ſuch Manner as in and by the ſaid former Act is provided.

Commiſſioners to give Notice of their Aſſeſment in the *Boſton* News Papers

Provided nevertheleſs, That the ſaid Commiſſioners ſhall give Notice to the late Partners of the late Manufactory Company by them aſſeſſed as aforeſaid, of the ſeveral before-mention'd Aſſeſſments, by cauſing a Liſt or Schedule of the ſame, together with a Copy of this Act, to be inſerted in the four weekly Prints, called, The *Boſton Weekly Poſt-Boy*, The *Boſton Evening-Poſt*, The *Boſton Gazette*, or *Weekly Journal*, and The *Boſton Weekly News-Letter*, which ſhall be next publiſhed after the Publication of this Act.

Preamble.

And whereas the Affairs of the ſaid late Company are under ſuch Circumſtances that the ſame cannot be adjuſted and finiſhed in an equitable Manner by one ſingle Aſſeſſment, but divers Aſſeſſments by the ſaid Commiſſioners on the late Directors and Partners of the ſaid late Company, and divers Reports of their Proceedings to this Court, are requiſite for that Purpoſe:

Commiſſioners to make divers Aſſeſſments if they judge fit.

Be it further enacted, That the ſaid Commiſſioners, or any two of them, ſhall and may from Time to Time, until the Affairs of the ſaid late Company be wholly ſettled and finiſhed, as often as there ſhall be Occaſion, make ſuch Aſſeſſments on any of the ſaid late Directors and Partners as they ſhall judge neceſſary for finiſhing the ſaid Land Bank or Manufactory Scheme in the moſt equitable Manner, purſuant to the Directions of the ſaid in Part recited Act; and upon every ſuch Aſſeſſments being made, the ſaid Commiſſioners ſhall give the Parties thereby aſſeſſed Notice thereof, by cauſing Liſts or Schedules of ſuch Aſſeſſments to be inſerted in the before-mention'd Weekly Prints, which ſhall be next publiſhed after the making the ſaid Aſſeſſment; and that any of the ſaid late Directors or Partners, who ſhall think himſelf aggriev'd by any ſuch Determination and Aſſeſſment to be made by the ſaid Commiſſioners,

Appeal to be allow'd from them.

may

may at any Time within fourteen Days next after, Notice thereof being publiſhed in the four before-mention'd weekly Prints, file his Appeal from the ſame to this Court in the Secretary's Office; and all ſuch Appeals, and the Matters ariſing thereon, ſhall be wholly govern'd, try'd and determin'd by the Rules preſcribed touching Appeals by the ſaid in Part recited Act.

Aſſeſſment to be lodged in the Commiſſioners Chamber.

And be it further enacted, That every further Aſſeſſment made by the ſaid Commiſſioners, ſhall remain in the Chamber of the Court-Houſe in *Boſton*, wherein the ſaid Commiſſioners uſually meet for the Execution of their Truſt, until the Expiration of the ſaid fourteen Days herein before limited for the filing of Appeals, ready for the Inſpection of ſuch of the Parties therein aſſeſſed as ſhall deſire the ſame, and Copies thereof atteſted by the Clerk of the ſaid Commiſſioners ſhall be deliver'd to them upon their Requeſt, and at their proper Charge; and that the ſaid Commiſſioners ſhall make Report of their Proceedings in every ſuch Aſſeſſment to this Court as ſoon afterwards as may be, for their Approbation and Allowance or Diſallowance thereof, in Whole or in Part; and each and every of the ſaid late Directors and Partners ſhall be chargeable to pay to the ſaid Commiſſioners the Sum or Sums in which he or they ſhall be from Time to Time aſſeſſed by the ſaid Commiſſioners, with the Approbation of this Court, and on Neglect of Payment thereof, the ſaid Commiſſioners may in their own Names raiſe, ſue for, and recover the ſame in ſuch Manner as by the ſaid former Act is provided.

Directors and Partners chargeable to pay the Sums aſſeſſed.

Commiſſioners impowered to ſue.

Copies of Aſſeſſments to be delivered out of the Secretary's Office.

And be it further enacted, That atteſted Copies of the Aſſeſſment herein before-mentioned to be already made by the ſaid Commiſſioners, ſhall be delivered out of the Secretary's Office to any of the Parties therein aſſeſſed upon their Requeſt and at their proper Charge.

Preamble.

And whereas in and by the before-mentioned Act, the ſaid Commiſſioners are obliged to ſit three Days in a Week for the Diſpatch of the Affairs of ſaid Scheme, until the ſame ſhall be finiſhed: And whereas their Attendance for ſo great a Part of the Week may not be neceſſary after they ſhall have made their next Aſſeſſment, and reported the ſame:

Commiſſioners not obliged to ſit more than one Day in the Week.

Be it therefore enacted, That the ſaid Commiſſioners ſhall not be obliged (after they ſhall have preſented their next Aſſeſſment on the aforeſaid Manufactory Company to this Court for their Allowance) to ſit more than one Day in a Week, unleſs when they ſhall judge that the Affairs of ſaid Company ſhall require more frequent Attendance.

BOSTON: Printed by **Samuel Kneeland** and **Timothy Green**, by Order of His Excellency the GOVERNOUR, Council and Houſe of Representatives. MDCCXLIV.

An Act,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*: Begun and Held at *Boston* upon Wednesday the thirtieth Day of *May* 1744, and continued by Adjournment and Prorogations to the tenth Day of *October* following.

CHAP. X.

An Act for appropriating a Part of the Island called *Governour's-Island* in the Harbour of *Boston*, to the public Use of this Government.

WHEREAS it has been represented by the Captain General, and it appears to this Court, that it is of great Importance to the Safety of this his Majesty's Province, that two Batteries with a suitable Number of Cannon to be planted thereon, be without delay built and erected on the Island called Governour's-Island, *situate and lying in* Boston-Harbour *and easterly of his Majesty's Castle* William, *which Island is now the Property and in the Possession of Mrs.* Anne Winthrop *of said* Boston *in the County of* Suffolk *Widow, and after her Decease is by the Indenture of* Adam Winthrop *of* Boston *Merchant, of the one Part, and* John Wainwright *of* Ipswich, *Esq; on the other Part, bearing Date the twenty-seventh Day of* December *One Thousand seven Hundred, to descend to the Use and Behoof of the Heirs begotten of the Bodies of* Adam Winthrop *late of said* Boston, *Esq; deceased, and the said* Anne Winthrop *forever; and in Default of such Heirs to the Use and Behoof of the next and right Heirs of him the said* Adam Winthrop *for ever, and to no other Use Intent or Purpose whatsoever.* Preamble.

And whereas by Reason of said Indenture it is found impracticable to obtain a sufficient Deed of Conveyance of a suitable Part of said Island from the said Anne Winthrop *or any other Person whereon to erect and build the said Batteries, and consequently for the Captain General to proceed in erecting and building the same without the Interposition of this Court, altho' it is judged by them of absolute Necessity for the publick Safety:* Therefore

Sheriff of *Suffolk* to lay out Land for the Province on *Governour's Island*, and take Poſſeſſion of it.

Be it enacted by the Governour, Council, and Houſe of Repreſentatives, and it is hereby enacted, That it ſhall and may be lawful for the Captain General and Governour in Chief in and over his Majeſty's Province of the *Maſſachuſetts-Bay*, to iſſue his Order directed to the High Sheriff of the County of *Suffolk*, requiring him forthwith to repair to the ſaid Iſland, and in the Name and Behalf of this Government to bound out in ſuch Place thereof and in ſuch Form as the Captain General ſhall direct, the full Quantity of three Acres and an half thereof, and in the Name and for the Uſe of this Government to take Poſſeſſion of the ſaid three Acres and an half he ſhall ſo bound out with the Flatts before the ſame; and the ſaid Sheriff ſhall certify his Proceedings herein, with the Bounds of the ſaid three Acres and an half laid out as aforeſaid into the Secretary's Office, by him to be recorded in the Book of Records of this Province.

Said Land to be appropriated for building Batteries thereon.

And be it further enacted, That the ſaid three Acres and an half of ſaid Iſland ſo bounded out, (Poſſeſſion thereof being taken, and Return and Record thereof being made as aforeſaid) and alſo the Flatts before the ſame, ſhall thence forward by Virtue and Force of this Act be adjudged and deemed the lawful Right and Property of this Government, and ſhall be and remain to their Uſe for the building and improving the ſaid Batteries, and for other defenſible Preparations for ever hereafter.

Any Action to be brought for Recovery of the ſaid Land or againſt the Sheriff to be bar'd by this Act.

Be it further enacted, That if any Action or Actions of what Name or Nature ſoever ſhall at any Time hereafter be brought by any Perſon or Perſons for the Recovery of the ſaid three Acres and an half of the ſaid Iſland and the Flatts out of the Hands of this Government, or for Dammages for the Improvement of the ſame, or againſt any particular Perſon or Perſons, ſuch Action or Actions tending to defeat or in any wiſe to interrupt or impede the plain and neceſſary Intent and Deſign of this Act, or againſt the ſaid Sheriff for any Matter or Thing he ſhall do in Conſequence hereof, this Act may be pleaded in Bar to all and every ſuch Action or Actions reſpectively, and the ſame ſhall be bar'd and made void accordingly.

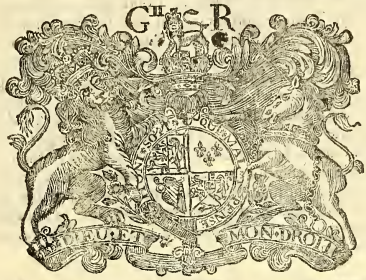
And to the Intent that full Satisfaction may be made by this Government to the ſaid Anne *and the Heirs before mention'd:*

Perſons to be appointed for apprizing the ſaid Land.

Be it further enacted, That ſix prudent and ſufficient Perſons ſhall be appointed, three thereof by the Secretary of this Province, and three by the ſaid *Anne Winthrop*, or in Caſe of her Neglect or Refuſal, by his Majeſty's Juſtices of the Superiour Court, or any three of them; and in Caſe the major Part of ſaid Appraizers ſhall not agree, they ſhall have Power to chuſe a ſeventh, and ſaid Appraizers ſhall be under Oath to eſtimate and apprize the ſaid three Acres and an half of Land and the Flatts aforeſaid in lawful Money; and the Appraizement and Value ſo made and taken by them or the major Part of them ſhall be returned to the ſaid Secretary, and ſhall by him be recorded in the aforeſaid Book for the Benefit and Behoof of the ſaid *Anne Winthrop* and Heirs aforeſaid in Manner following, *viz.* The lawful Intereſt of the whole Sum ſhall be annually paid by the Treaſurer of this Province for the Time being, out of the Appropriations that are or may be made for ſatisfying of Grants, to the ſaid *Anne Winthrop* during her natural Life, and at her Deceaſe the Principal ſhall be paid to the ſaid Heirs in ſuch Proportion as the remaining Part of ſaid Iſland ſhall be lawfully diſtributed and ſettled on them in Conſequence of the Indenture aforeſaid.

Satisfaction to be made to the Proprietor out of the public Treaſury.

BOSTON: Printed by Samuel Kneeland and Timothy Green, by Order of His Excellency the GOVERNOUR, Council and Houſe of Representatives. MDCCXLIV.



Acts and Laws,

Paſſed by the Great and General Court or Aſſembly of His Majeſty's Province of the *Maſſachuſetts-Bay* in *New-England*: Begun and held at *Boſton* upon Wedneſday the thirtieth Day of *May* 1744, and continued by Adjournment and Prorogations to Wedneſday the twenty-eighth Day of *November* following.

CHAP. XI.

An Act in further Addition to an Act aſcertaining the Value of Money, and of the Bills of public Credit of this Province.

Preamble.

WHEREAS notwithſtanding the Proviſion that is made in and by an Act paſs'd in the fifteenth Year of his preſent Majeſty's Reign (intitled An Act to aſcertain the Value of Money, and of the Bills of publick Credit of this Province, granted this preſent Year for the Supply of the Treaſury, and for ſecuring the Credit of ſaid Bills) *for ſecuring to any Creditor or Creditors what the Bills of Credit might ſink or depreciate in their Value between the Time of contracting the Debt and the Payment thereof, it has been a frequent Practice for Creditors to exact and take of their Debtors for the Loan of any Sum or Sums of Money lent, and for Forbearance of their Debts, more than ſix* per Cent; *by which Practice ſome of the good and wholeſome Laws of this Province, and the equitable Intent and Deſigns of them are eluded, and great Oppreſſion and Injuſtice introduced, to the Reproach of this Government.*

No Allowance to be made for the depreciating of the Bills where any Thing has been allow'd already for it

Now, for the Prevention thereof for the future:

Be it enacted by the Governour, Council and Houſe of Repreſentatives, That in all Actions hereafter to be brought for the recovering any Debt or Sum due upon Bond, or otherwiſe contracted and payable in Bills of Credit ſince the thirty firſt Day of *March* One Thouſand ſeven Hundred and forty two, or that may be contracted within five Years of that Date, if the

the Debtor will tender his Oath in Court that the Creditor has received any Thing for the Loan or Forbearance of such Debt either in Money, Bills, Goods, or by any new Bond, Bill, Note of Hand, Order, or under Colour of being paid for any Service or Thing, or by keeping back any Part of the Sum specified to be paid in the Condition of any Bond or other Specialty, or by any other Way or Means whatsoever, either directly or indirectly, more than *six Pounds* for the Loan or Forbearance of *one Hundred Pounds* for a Year, and so after that Rate for a greater or less Sum, or for a longer or shorter Time, then and in such Case, unless the Owner will make Oath to the contrary, Judgment shall be made up only for the exact nominal Sum received by or due from the Debtor (with lawful Interest for the same, if it be payable with Interest) but if the Creditor will tender and actually give his Oath as aforesaid, then Judgment shall be entred up for the full Value of said Debt, as it was at the Time of contracting the same.

Preamble.

And whereas there may be Debts and Sums payable in Bills of Credit or lawful Money yet due and owing from Man to Man, that were contracted before the said thirty first Day of March *One Thousand seven Hundred and forty two, and no Provision made in the Law for making good to the Creditors what the Bills, in which such Debts or Sums might be discharged, have depreciated or fallen: And inasmuch as it appears just and equal that the Loss and Damage arising to such Creditors by the falling and depreciating of the Bills of Credit since the said thirty first Day of* March, *should be made good:*

Provision for making good the Value of the Debts before *March* 31. 1742.

Be it further enacted, That in all such Cases it shall be in the Power of the Justices of the several Courts within this Province, to make up Judgment for such additional Sum or Sums as the said Bills shall be found to have depreciated from the said thirty first Day of *March*, until the Time of making up such Judgment, but not for any other or longer Time; in which Judgment the same Rule shall be observed as in Case of Debts contracted after the said thirty first Day of *March*, as in this Act is before provided; saving always to the Debtor the same Relief in Case he has in any Manner or Way, directly or indirectly paid or allowed more than *six per Cent.* as aforesaid, as is provided for him in this Act respecting any Debt or Sum that was contracted or agreed upon after the said thirty first Day of *March*.

Preamble.

And whereas many of His Majesty's Subjects in this Province, from an Apprehension that the Bills of Credit of the new Tenor were to be valued, taken and esteemed as lawful Money, from which Apprehensions many Persons have obliged themselves by their Bonds and otherways, to pay lawful Money where nothing but said Bills were received, or Goods for which the Creditor would have received Bills in Payment, nor was any Thing else intended or expected by either Party at the Time of contracting the Debt; notwithstanding which, some of the executive Courts of this Province have, contrary to the Expectation and Intention of the Parties as aforesaid, made up their Judgments on said Debts for lawful Money only, and construed the same not to be payable in said Bills, whereby the Debtor has been capable of discharging or satisfying the Execution only with Silver, the extream Scarcity of which renders it almost impracticable to satisfy the Debt without paying such additional Sum to the Creditor as he will be pleased to take in said Bills, much to the Debtor's Oppression, which this Government ought to prevent:

Wherefore,

Judgment to be given only for Bills where Silver was not lent or received.

Be it enacted, That when any Sum or Sums of Money, due or contracted for since the first Emission of the said New Tenor Bills in the Year One Thousand seven Hundred and forty one, or that shall be contracted for within the Space of five Years from that Date, on Bond, Bill, Note, or otherwise, whether with Interest or without, if the Debtor will tender his Oath that he received of the Creditor no Silver on which said Debt or Sum then sued for arose, or that

it

it was not agreed by the Parties that Silver ſhould be paid in Diſcharge of ſuch Debt or Sum due, that then and in every ſuch Caſe, unleſs the Creditor will *bonâ Fide* make Oath that Silver was received or agreed for, and underſtood, and intended to be paid by the Parties at the Time of contracting the ſaid Debt or Agreement for the Sum ſued for, the Judgment ſhall be given for Bills of Credit or lawful Money at the Debtor's Election, allowing in ſuch Judgment for what the ſaid Bills may have depreciated from the thirty firſt Day of *March* One Thouſand ſeven Hundred and forty two, to the Time the Judgment is made up.

Saving always to the Debtor the ſame Relief in Caſes of this Nature which is by this Act already provided for him, where more than *ſix per Cent.* has been paid for the Loan or Forbearance of any Sum as aforeſaid. Saving.

CHAP. XII.

An Act for the more ſpeedy Extinguiſhment of Fire, and preſerving Goods indangered by it.

WHEREAS the Contiguity or Nearneſs of Houſes in many Towns in this Province makes it difficult when they accidentally take Fire, to preſerve them, and prevent its ſpreading, by Reaſon of the Inhabitants being terrified by ſo grievous a Calamity, and the Want of proper Perſons appointed to direct ſuch as may be ready to aſſiſt: And moreover ill-minded Perſons take the Advantage of the Hurry and Confuſion attending ſuch Accidents to plunder, and to embezzle the Goods of their diſtreſſed Neighbours. Wherefore, Preamble.

Be it enacted by the Governour, Council and Houſe of Repreſentatives, That the ſeveral Towns within this Province may, if they ſee fit, at their anniverſary Meeting in *March* annually appoint a ſuitable Number of Perſons (not exceeding ten) who ſhall be denominated Fire-Wards, and have each for a diſtinguiſhing Badge of the Office, a Staff of five Feet long, painted Red, and headed with a bright Braſs Spire ſix Inches long. All Towns impowered to chuſe Fire Wards.

And the Fire-Wards afore-mentioned are hereby required, upon Notice of the breaking forth of Fire, (taking with them their Badges reſpectively) immediately to repair to the Place, and vigorouſly exert themſelves in requiring and procuring Aſſiſtance to extinguiſh and prevent the ſpreading of the Fire, and for the pulling down or blowing up any Houſes, or any other Service relating thereto, as they may be directed by two or three of the chief civil or military Officers of the Town, to put a Stop to the Fire, and in removing Houſhold Stuff, Goods and Merchandizes out of any Dwelling-Houſes, Store-Houſes, or other Buildings actually on Fire, or in Danger thereof, in appointing Guards to ſecure and take Care of the ſame, and to ſuppreſs all Tumults and Diſorders. And due Obedience is required to be yielded to them, and each of them accordingly for that Service. Their Duty.

And all Diſobedience, Neglect or Refuſal in any, ſhall be informed of to ſome of His Majeſty's Juſtices of the Peace within two Days next after, and the Offenders therein, upon Conviction thereof before any two Juſtices *Quorum Unus*, ſhall forfeit and pay the Sum of *forty Shillings* each, to be levied and diſtributed by the Diſcretion of the Select-Men among the Poor moſt diſtreſſed by the Fire: And in Caſe the Offender or Offenders are unable to ſatisfy the Fine, then to ſuffer ten Days Impriſonment. Penalty for refuſing to aſſiſt them in extinguiſhing of Fire.

And be it further enacted, That if any evil-minded Perſons ſhall take Advantage of ſuch Calamity to rob, plunder, purloin, embezzle, convey away

or

Penalty for Persons purloining or concealing Goods sav'd from the Fire

or conceal any Goods, Merchandizes or Effects of the distressed Inhabitants, whose Houses are on Fire, or endangered thereby, and put upon removing their Goods, and shall not restore and give Notice thereof to the Owner or Owners, if known, or bring them into such publick Place as shall be appointed and assigned by the Governour and Council, within the Space of two Days next after Proclamation made for that Purpose; the Person or Persons so offending, and being thereof convicted, shall be deemed Thieves, and suffer the utmost Severities of the Pains and Penalties by Law provided against such.

CHAP. XIII.

An Act for ascertaining the Bounds of the Town of *Dighton*, and for the Confirmation of their Powers and Privileges.

Preamble.

WHEREAS *in the Year One Thousand seven Hundred and twelve, the South Precinct in* Taunton *was erected into a Township by the Name of* Dighton, *but the Bounds thereof were not fully ascertained, and by Reason thereof of late there have some Disputes arisen, and Application hath been made to this Court to ascertain the Bounds:*

Be it enacted by the Governour, Council and House of Representatives, That the Bounds of the said Town of *Dighton* shall be as follows, *viz.* Beginning at a Heap of Stones by a Rock near the Water Side on the westerly Side of Broad Cove, and from thence running Westerly to a Heap of Stones near *Bristol* old Path, and from thence Westerly to a Heap of Stones near two Miles from said Broad Cove, and then running Northerly about two Miles to a Stump of an Ash Tree, thence West and by North to *Rehoboth* ancient Line, to a Stake and Stones about it, being the North Corner of the Town of *Swanzey*, and the Southwest Corner of the said Town of *Dighton*, thence Northerly on a streight Line to a marked Tree, commonly called the Horse-Shoe, thence Easterly by marked Trees down to the three Mile River, so called, then with said River to *Taunton* great River, then down *Taunton* great River 'till it comes to the Bounds first mentioned, together with *Assonet*-Neck, so far Northerly as to come to the northerly Bound of the Land that was Mr. *Edward Shove*'s; and that the Land included within the Bounds aforesaid, shall always hereafter be deemed a Township by the Name of *Dighton* as aforesaid, and that the Inhabitants thereof be invested with the Powers, Privileges and Immunities that the Inhabitants of any of the Towns within this Province by Law are, or ought to be invested with, any Law, Order or Custom to the contrary notwithstanding.

Bounds of the Town of *Dighton* stated.

Inhabitants vested with the Powers of a Town.

Former Acts of the said Town confirmed.

And all former Acts and Proceedings of the Inhabitants of the said Town of *Dighton* are hereby declared, to all Intents and Purposes, as valid, and of as full Effect as if the said Town had by an Act of this Court been incorporated and invested with the Powers and Privileges of a Township at the Time of their being taken off from *Taunton*, or separated as aforesaid.

Proviso.

Provided always, That Property shall not be affected by this Act, any Construction thereof, or of any Part thereof, to the contrary notwithstanding.

BOSTON: Printed by Samuel Kneeland and Timothy Green, by Order of His Excellency the GOVERNOUR, Council, and House of REPRESENTATIVES. 1745.

Acts and Laws

Paſſed by the Great and General Court or Aſſembly of His Majeſty's Province of the *Maſſachuſetts-Bay* in *New England* : Begun and held at *Boſton* upon Wedneſday the twenty ninth Day of *May* 1745. And continued by Adjournments and Prorogations to Wedneſday the eleventh Day of *December* following.

CHAP. I.

An Act in Addition to an Act Intitled An Act directing how Rates and Taxes to be granted by the General Aſſembly, as alſo County Town and Precinct Rates ſhall be aſſeſſed and collected, made and paſs'd in the fourth Year of his preſent Majeſty's Reign.

Preamble.

WHEREAS no Proviſion is made (in the Act Intitled An Act directing how Rates and Taxes granted by the General Aſſembly, as alſo County Town and Precinct Rates ſhall be aſſeſſed and collected) *for appointing Collectors or Conſtables, where Towns neglect to chooſe them : whereby unleſs there be ſome Remedy, the good Deſign of ſaid Act to ſecure the Payment of the Taxes granted by the General Aſſembly will be fruſtrated :*

Sheriffs impowred to collect Rates or Taxes in Towns that have or ſhall neglect to chooſe Conſtables or Collectors.

Be it therefore enacted by the Governour, Council and Houſe of Repreſentatives, That where any Town or Towns have neglected or ſhall neglect to chooſe Conſtables or Collectors to gather the Rates or Taxes granted by the General Court, that in ſuch Caſe the Sheriff of the County ſhall be and hereby is impowred and directed to collect ſuch Rates or Taxes, having received an Aſſeſſment made of the Proportion of the ſeveral Perſons rateable

rateable in such Town, together with a Warrant under the Hands of such Assessors as shall be appointed by the Court of General Sessions of the Peace in the County where such deficient Town lies, according to the aforesaid Act of the fourth Year of his present Majesty's Reign; and the said Assessors are hereby directed where any Town has for divers Years past or shall for several Years together hereafter neglect to choose Assessors or Constables and Collectors to add together the several Sums annually due, as also the several Fines of *twenty Pounds* due for each Year's Neglect, and their own Allowance by Law established, to be proportioned among the several Inhabitants and others rateable in such Town according to their best Judgment.

Sheriff to post up Copy of Assessment & Warrant.

And be it further enacted by the Authority aforesaid, That the Sheriff upon receiving the aforesaid Assessment and Warrant for collecting it, shall forthwith post up in some publick Place of the Town assessed, an attested Copy of such Assessment and Warrant, and shall make no Distress for any of the Sums so assessed till after thirty Days from his posting it up; and any Person or Persons paying the Sum or Sums respectively assessed on him or them to the Sheriff before the Expiration of the aforesaid thirty Days, shall pay at the Rate of *five per Cent.* over and above to the Sheriff for his Fees, and no more: But all such as shall neglect to pay the Sum or Sums assessed for the Space of thirty Days or longer from the aforesaid posting up the Copy of the Assessment, shall be proceeded against by the Sheriff in Way of Distress as Collectors by Law are impowred, and may require suitable Aid for that Purpose, and they shall each one pay the Fees for the Sheriff's Service and Travel as in other Cases where Distraint is made.

And to the Intent the Courts of General Sessions of the Peace in the several Counties where such deficient Towns shall respectively belong, may from Time to Time seasonably appoint Assessors as needful:

Treasurer to send a Certificate to the Clerk of the Court of General Sessions of the County where deficient Towns belong.

Be it enacted by the Authority aforesaid, That the Province Treasurer for the Time being shall as soon as may be after he hath issued his Warrants to the Assessors of the several Towns for assessing and collecting the Rates and Taxes granted by the General Assembly for the Space of sixty Days, without any Account of such Towns choice of Collectors or Constables, whether it be a Town that hath neglected to make such Choice, or that hereafter shall neglect so to do, in every such Case the said Treasurer shall send a Ceritificate to the Clerk of the Court of General Sessions of the Peace for the County whereto the deficient Town belongs, of such their Deficiency, who shall lay it before said Court of Sessions at their next Sitting; whereupon the said Court shall forthwith proceed to appoint Assessors to assess and proportion the Rates and Taxes granted as aforesaid, and the Assessors so appointed, shall as soon as may be take an Oath to the faithful Discharge of their Trust before the said Court or some one or more of the Justices by the Court of Sessions to be appointed for that Purpose; and if any Person appointed an Assessor as aforesaid shall refuse to serve, he shall forfeit the Sum of *Twenty Pounds* to His Majesty for the Use of the Province; and the Court of Sessions shall immediately proceed to appoint others.

CHAP.

CHAP. X.

An Act in addition to and for rendring more effectual the Laws already in being for preventing the Destruction of the Fish called *Alewives* and other Fish.

WHEREAS *in and by an Act made in the fifteenth Year of his present Majesty's Reign, intitled* An Act in Addition to an Act made to prevent the Destruction of *Alewives*, and other Fish, *it is provided*, "That "all Persons that should hereafter build any Mill-Dam or Dams, or that had "before the Time of passing the same, built any Dam a-cross any such River "or Stream where the *Salmon*, *Shadd*, *Alewives*, or other Fish, usually pass "up into the natural Ponds to cast their Spawn, shall make or open a suffi- "cient Passage Way for the Fish to pass up such River or Stream through "or round such Dam, and shall keep it open for the free Passage of the "the Fish from the first Day of *April* to the last Day of *May* annually, and "also that a sufficient Water Passage round, through, or over such Dam, "should be made for the Passage of such Fish or their young Spawn in the "Season of their going down such River or Stream, on Penalty of *fifty* "*Pounds* for every Offence." Preamble.

And in and by an Act made in the seventeenth Year of his present Majesty's Reign, intitled An Act in Addition to an Act made in the fifteenth Year of his present Majesty's Reign, intitled An Act in Addition to an Act made to prevent the Destruction of the Fish called *Alewives*, and other Fish, *it is provided*, "That it shall and may be lawful for any Owner or Occupant of "any such Dam or Dams already built, or that may hereafter be built, and "who are or may be obliged by said additional Act to open or leave open "such Passage as aforesaid, to apply to the next Court of General Sessions "of the Peace to be holden in and for the County where such Mill-Dam is; "and the Justices of the Court respectively, on such Application, are im- "powered and directed to appoint a Committee of three sufficient, and as "much as may be, disinterested Persons under Oath, to repair to the Dam "where such Passage is proposed to be opened, and carefully view the same, "and in the best Manner they are able, to inform themselves of the most "proper Place for the Passage of such Fish up and down Stream, of what "Dimensions the same shall be, or be appointed to be made, and what Part "of each Year, and how long the same shall be kept open, and return the "same under their Hands, or the Hands of the major Part of them, to the "said Court for their Acceptance, which Return so made and accepted shall "be deemed and adjudged the lawful Rule of Proceeding in making and "keeping open the Passage and Passages for the Fish in passing up and "down the Rivers and Streams for the future; any Thing contained to the "contrary in said additional Act notwithstanding."

And whereas it may happen that in some Rivers or Streams, a-cross which Dams are built, it may be doubtful whether the Fish may be said usually to pass or cast their Spawn, and so as to render it necessary that a Way should be left open in such Dams for their free Passage, and many Inconveniencies may arise from such Doubt or Uncertainty:

Be

Court of General Sessions to determine the Expediency of Dams, &c. upon the Report of a Committee.

Be it therefore enacted by the Governour, Council and House of Representatives, That when and so often as Application shall be made to the Court of Sessions by the Owner or Occupant of any Mill-Dam or Dams, either of such Dams as have no Passage Way, or of such Dams through which a Passage Way has already been made, and a Committee shall thereupon be appointed by such Court pursuant to the last recited Act, and such Committee shall repair to any Dam or Dams, and it shall appear to them upon Inquiry that the Fish do not, or in Case of a Passage being made or kept open would not usually pass up the River or Stream a-cross which such Dam is or shall be built, in such Numbers as that it is necessary a Passage Way through such Dam should be made or kept open, or that the passing of the Fish up such River will not be of greater general Benefit than the leaving open of Passage Ways in such Dams will be of Dammage to the Owners of the Mills and other Persons, then and in either of such Cases, said Committee shall be impowered to make a Report that such Passage Way is not necessary, and such Report being accepted by the Court of Sessions, the Owner or Occupant of such Dam shall thereupon be freed from all Obligation to make or keep open any Passage; any Thing in the afore-mentioned Acts to the contrary notwithstanding And the Charge of the Application that shall be made by the Owner or Occupant of any Mill-Dam or Dams, and all Proceedings of the Court thereupon, pursuant to this Act, or to the said last recited Act, shall be born and paid by such Owner or Occupant.

Proviso.

Provided always, That if at any Time after such Determination, any Person apprehending it necessary that a Passage Way should be opened in such Dam, shall thereupon make Application to the Court of Sessions, said Court shall be impowered to appoint a new Committee, who shall have the same Power the first Committee by Law had, or might have had, and upon such Committee's reporting that a Passage Way is necessary in such Dam or Dams, and the Dimensions thereof, and the Time it shall be kept open, and upon such Report being accepted by the Court of Sessions, the Owner or Occupant of such Mill or Dam shall be as fully obliged to keep open such Passage as if the former Report had never been made and accepted; any Thing in this Act to the contrary notwithstanding. The Charge of such Application and all Proceedings thereupon to be paid by the Person or Persons making the same, or by the Owner or Occupant of such Dam, as the Court of Sessions shall order.

Preamble.

And whereas in some Counties within this Province, the Justices of the Court of Sessions have refused to admit any Application from the Owner or Occupant of any Mill or Mill-Dam, by Reason that such Application has not been made at the Court next immediately following the Publication of the last recited Act:

Further Power of the Court of Sessions.

Be it further enacted, That the several Courts of Sessions within this Province be and hereby are impowered and directed to admit, proceed and determine upon any such Application at any Court at any Time held for the County, and all such Proceedings shall be deemed as valid to all Intents and Purposes as if they had been acted upon at the Court next immediatly following the Publication of said Act.

Preamble.

And whereas in many Rivers or Streams within this Province neither Shad, Salmon, *nor* Alewives *usual'y swim, or would pass up such River or Stream, although a Passage Way was made and kept open through the several Dams built a-cross such Rivers or Streams, and the Advantage of other Fish that pass up such Rivers or Streams is not equal to the Dammage that may arise by keeping open a Passage Way through such Dams:*

Be

Be it therefore enacted, That no Owner or Occupant of any Mill Dam or Dams built or to be built within this Province, shall be liable to any Penalty for not making or keeping open a Paſſage Way through ſuch Dam or Dams, except thoſe Dams only which are built a-croſs thoſe Rivers or Streams where either of the afore-mentioned Fiſh, viz. *Shad*, *Salmon*, or *Alewives* uſually ſwim or paſs; any former Law, Uſage or Cuſtom to the contrary notwithſtanding. In what Caſe Mill Dam or Dams are to be kept open.

Provided always, That it ſhall be in the Power of any Perſon at any Time to make Application to the Court of Seſſions, ſetting forth that the Paſſage of other Fiſh up ſuch Rivers or Streams is of ſuch Advantage as to render a Paſſage Way through any Dam or Dams neceſſary, and the Juſtices of the Court of Seſſions are impowered on ſuch Application to appoint a Committee to repair to ſuch Dam or Dams, and upon ſuch Committee's reporting that a Paſſage Way or Ways for the Fiſh is neceſſary, the Dimenſions thereof, and the Time for keeping it open, and upon ſuch Report's being accepted the Owner or Occupant of ſuch Dam or Dams ſhall be as fully obliged to make and keep open ſuch Paſſage Way or Ways as if *Shad*, *Salmon* or *Alewives* uſually paſſed up ſuch River or Stream. Application may be made to the Court of Seſſions relating to Dams &c.

And whereas the Mill-Dam in the Town of Watertown, *referred to in the aforeſaid Act of the Fifteenth of his preſent Majeſty, has not been ſubjected in like Manner with the other Mill-Dams within this Province:* Preamble.

Be it therefore enacted, That if any Perſon or Perſons whatſoever ſhall cauſe the Dam of ſaid Mill to be raiſed, ſo as to prevent the Paſſage of the Fiſh over the ſame at any Time between the breaking up of the Ice in the Winter, or Spring and the firſt Day of *May* annually, and in any Year hereafter, without the expreſs Leave or Conſent of the Select-Men of the Towns of *Watertown* and *Newtown*, every Perſon ſo offending ſhall forfeit and pay the Sum of *five Pounds* for each Offence, to be recovered in any Court of Record proper to try the ſame, and for the Uſe of him or them that ſhall inform and ſue therefor. Mill Dam in *Watertown* not to be raiſed in a certain Time, except &c.

CHAP. III.

An Act for altering the Times for holding the Superiour Court of Judicature Court of Aſſize and General Goal Delivery within the Counties of *Eſſex* and *York*.

WHEREAS the Time by Law appointed for holding the Superiour Courts for the Counties of Eſſex *and* York *is found on ſome Accounts inconvenient:* Preamble.

Be it therefore enacted by the Governour, Council and Houſe of Repreſentatives, That the Superiour Court of Judicature, Court of Aſſize and General Goal Delivery that was by Law to be holden at *Ipſwich*, for the County of *Eſſex*, on the ſecond Tueſday of *May* Yearly, ſhall be held at *Ipſwich* aforeſaid, for ſaid County of *Eſſex*, on the firſt Tueſday of *June* Yearly: And the Superiour Court of Judicature, Court of Aſſize and General Goal Delivery, that was by Law to have been holden within and for the County of *York*, at *York*, on the third Wedneſday in *June* Yearly, ſhall be held at *York* aforeſaid, for the ſaid County of *York*, on the ſecond Tueſday of *June* Yearly. Alteration of the Time for holding the Superior Court in the Counties of *Eſſex* and *York*.

All Appeals already issued not to be discontinued but proceeded upon.

And be it further enacted, That all Appeals, Reviews, Recognizances, Warrants, or other Processes, already issued, taken and filed, which were to be heard and tried at either of the Courts aforesaid, shall not fail or be discontinued, but be obligatory, continued over, held good and valid to all Intents and Purposes in the Law, and may be pleaded, heard and proceeded on at the next respective Courts appointed by this Act to be held in the several Counties aforesaid, and all Officers and other Persons concerned therein are to conform themselves accordingly.

Provided also, That all Executions returnable to the respective Courts formerly established, be returned at the Times therein mentioned, the Alterations aforesaid notwithstanding.

CHAP. IV.

An Act for the Explanation and further Enforcement of the Laws made for the Observation of the Lord's-Day.

Preamble.

WHEREAS *in and by an Act made and pass'd in the fifteenth Year of his present Majesty's Reign, intitled* An Act in further Addition to the several Acts for the Observation and keeping of the Lord's-Day, *it is enacted*, "That His Majesty's Justices of the Peace shall bind over the Offenders "against that Act to appear before the next Court of General Sessions of the "Peace for the County where the Offence shall be committed *&c.*

And whereas it so happens, that divers such Offenders are Strangers, and not Inhabitants in the Town where the Offence is committed, nor of any other Town in this Province, and Persons so mean and obscure that they cannot afterwards be found, so that without a speedy Way of proceeding against them, they will have an Advantage to avoid Justice, and with Respect to such Persons the good Intent of the said Law may be thereby wholly frustrated and defeated. And whereas a Doubt has arisen in divers Persons, who are enjoined by Law to put in Execution the Laws made for the due Observation of the Lord's Day, whether the Act above-mentioned does not repeal some Clauses in an Act made in the fourth Year of King William *and Queen* Mary, *for the better Observation and keeping of the Lord's Day, and other subsequent Acts made for the same good Purposes; and through these Means there have been great Neglects of prosecuting and punishing Persons guilty of the Prophanation of the Sabbath.*

Now to prevent the evil Consequences of such wrong Constructions of the Laws in that Case made and provided;

Precedent Laws relating to the Lord's Day not repeal'd, but remain in full Force and Virtue.

It is hereby declared by the Governour, Council and House of Representatives, That it is not the true Intent and Meaning of the first mentioned Act made in the fifteenth Year of his present Majesty's Reign to repeal any of the precedent Laws made for the Observation of the Lord's Day, or any Paragraphs or Clauses thereof, but that the same ought to remain in full Force and Virtue.

And it is hereby accordingly enacted, That the said precedent Laws do and shall remain in full Force and Virtue, as if the said Act of the fifteenth Year of his present Majesty's Reign had never been made: Saving that by the said Act His Majesty's Justices of the Peace have Liberty given them to prosecute the Offences therein mentioned in the Manner as is therein directed, if they judge it will best answer the general Intention of the Laws for the better Observation of the Lord's Day.

BOSTON: N. E. Printed and Sold by **Samuel Kneeland** and **Timothy Green**, by Order of His Excellency the GOVERNOUR, Council and House of Representatives. MDCCXLV.

An Act

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*: Begun and held at *Boston* upon Wednesday the twenty-eighth of *May* 1746. And continued by Adjournments to Thursday the sixth of *November* following.

CHAP. I.

An Act for making the Town of *Taunton* the Shire or County Town of the County of *Bristol*, instead of the Town of *Bristol*, and for removing the Books of Records and Papers of the County of *Bristol* that are in the Town of *Bristol* to the said Town of *Taunton*.

BE it enacted by the Governour, Council and House of Representatives, That from and after the thirteenth Day of *November*, in the Year of our Lord One Thousand seven Hundred and forty six, the Town of *Taunton* shall be, and hereby is made and established the County or Shire Town of the County of *Bristol*, instead of the Town of *Bristol*, and that the Superiour Court of Judicature, Court of Assize and General Goal Delivery, and the Court of General Sessions of the Peace, and Inferiour Court of Common Pleas, which by Law were heretofore to be held and kept at the said Town of *Bristol*, for the said County, shall for ever hereafter be held and kept at the said Town of *Taunton*, within and for said County, on such Days respectively from Time to Time as are now by Law established for said County, and for the same respective Ends and Purposes, and with the same Authority respectively as heretofore the said Courts were held and kept in the Town of *Bristol*, and all Causes, Suits and Actions, depending

Taunton made and established the Shire Town in the County of *Bristol*.

Courts to be hereafter kept at *Taunton*.

Actions depending to be heard and try'd at *Taunton*.

depending and to have been heard in the several Courts in said Town of *Bristol*, for said County, shall be heard and tried at *Taunton* by the said Courts respectively on the same Days on which they should have been heard and tried at *Bristol* before the passing of this Act, and all Writs, whether Original, or of Execution, Informations, Presentments, Venires for Jurymen, and all other Writings and Instruments that by Law were returnable to the several Courts or Offices in *Bristol*, shall be and hereby are made returnable to the same Courts and Offices respectively in the Town of *Taunton*; and all the Records and Papers of the Court of General Sessions of the Peace, Inferiour Court of Common Pleas, Court of Probate of Wills and for granting Letters of Administration, and of the Register of Deeds, now in the said Town of *Bristol*, shall be forthwith delivered to *George Leonard*, Esq; Mr. *Thomas Foster*, and *John Shephard*, Esq; or the major Part of them, who shall cause them immediately to be conveyed to the said Town of *Taunton*, and there safely deposited under the Care of the same Persons as heretofore, or others, as the said Committee shall judge best, who shall serve in these Offices with full Power, and shall give the same Obligations, and be under the like Penalties as they or others had or were under heretofore, until this Court shall further order, or others shall be duly appointed in their Stead: And the said Committee are also directed to demand and receive of the Treasurer of said County now living in the Town of *Bristol*, all Money, Records and Papers to said County belonging, which they are also directed to remove and deposit at *Taunton*, in the same Manner as is before directed concerning the Records and Papers to the said Courts belonging; and the several Clerks, Treasurer, Register, and all other Persons who are possessed of any Records, Books, Papers, Money, or other Things belonging to said County (such Person or Persons living now in said Town of *Bristol*) are hereby impowered and required to deliver them forthwith to the said Committee; and the Sheriff of the said County is hereby directed to cause all Prisoners now in His Majesty's Goal in the County of *Bristol*, to be conveyed to said Town of *Taunton*, and there put under safe Custody in some proper Place to be kept for that Purpose, 'till said County shall provide a proper Goal in said Town of *Taunton*, or 'till they shall be delivered by due Course of Law.

Writs &c. made returnable to *Taunton*.

Records &c. to be deliver'd to a Committee and convey'd to *Taunton*.

Sheriff directed to convey Prisoners to *Taunton*.

BOSTON:

Printed and Sold by S. Kneeland and T. Green, by Order of the GOVERNOUR, Council and Representatives. MDCCXLVI.

Acts and Laws

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*: Begun and Held at *Boston* upon Wednesday the twenty-seventh Day of *May* 1747, and continued by Adjournments to Wednesday the twelfth Day of *August* following.

CHAP. VII.

An Act in further addition to and for Explanation of certain Clauses in three several Acts herein after mention'd made and pass'd in the fifteenth, seventeenth, and eighteenth Years of his present Majesty's Reign, for ascertaining the Value of Money, and of the Bills of publick Credit of this Province.

WHEREAS in and by an Act made and pass'd in the fifteenth Year of his present Majesty's Reign, entitled; An Act to ascertain the Value of Money and of the Bills of publick Credit of this Province granted this present Year for the supply of the Treasury, and for securing the Credit of said Bills; *the several Courts of Judicature are directed in making up Judgments for Debts that should be contracted within the Term of five Years therein limited (except as therein excepted) in Case the Province Bills by said Act emitted, or that should thereafter be emitted, should be depreciated below the Value they were set at by said Act, to allow the Creditor so much in said Bills, as should make amends for their Depreciation below their then stated Value, or the Value at which such other Bills should be stated; And whereas in the Rule by said Act prescribed for determining the Value of such Bills from Time to Time for the Purpose aforesaid only Silver and Bills of Exchange are made the Standard whereby said Bills are to be estimated in order to the Payment of private Debts to be contracted within the Time aforesaid; which Rule by Experience has been found to be unequal, and not to answer the good Intention of the said Act, inasmuch* Preamble.

as the Bills of Credit, being the only Medium of Trade and Commerce in this and the other Governments in New-England, *their Value cannot be truly estimated by the Prices of any one or two particular Commodities or Merchandizes, such as Bills of Exchange and Silver now are and have for several Years past been within this and the aforesaid other Colonies, and the Prices of which in Bills of publick Credit have been found liable to be very suddenly and immoderately increased by a few Persons for the sake of serving their own particular Trade or Interest, whereby the Bills of Credit have often been to the great Grievance of Debtors much depreciated with respect to Bills of Exchange and Silver, tho' at the same Time they have kept their Value with respect to all other Commodities and Merchandizes in this Province:*

Now for preventing any future Inconvenience which may arise to the Debtor from estimating the Value of Bills of Credit by comparing them with the Prices of Bills of Exchange and Silver alone;

Price of Provisions &c. to be consider'd in the Valuation of the Bills.

Be it enacted by the Governour, Council and House of Representatives, That when any Valuation shall be made of the Bills of publick Credit on this Province in Pursuance of said Act, and for the Purposes therein mentioned, regard shall be had not only to Silver and Bills of Exchange, but to the Prices of Provisions and other Necessaries of Life, and to the Difference that may arise from the Plenty or Scarcity of them, or other Circumstances which may casually occasion the rise or fall of them, at the respective Seasons wherein such Valuation shall be made as aforesaid.

And whereas the aforemention'd Act directs that the Valuation of the Bills of publick Credit as aforesaid, for the Purposes aforesaid, shall be made once in every six Months by the General Assembly, and in want thereof by a Committee consisting of the eldest Councellor for the Time being, in each of those Counties, where any Member of his Majesty's Council is an Inhabitant: And whereas the said Act doth not expresly declare that the Determination made by any Number of the said Committee short of the whole, shall be accounted valid for the Purposes aforesaid; and Doubts and Disputes have thereupon arisen:

For Prevention whereof for the future;

Five Councellors to be a Quorum for valuing the Bills.

Be it enacted by the Governour, Council and House of Representatives, That any five of the said Councellors shall be a Quorum, and every Valuation of the Bills of publick Credit to be made by the whole Number of the said Councellors or the major Part of such of them as shall convene and be present, at the Time of making the same (provided the Number present be not less than five, and that due Notice has been previously given to the rest that shall then be within this Province, of the Time, Place and Occasion of their Meeting) shall be deemed and counted valid in the Law, for the Purposes in said Act mentioned.

And whereas altho' the Method of making up Judgment on private Debts (with Allowance for the sinking of the Value of the Province Bills) as prescribed in the aforesaid Act, and in another Act made and past'd in the eighteenth Year of his present Majesty's Reign, entitled; An Act in further Addition to an Act for ascertaining the Value of Money, and of the Bills of publick Credit of this Province, *is limitted to Debts contracted within or before certain Periods mentioned in said Acts respectively, and is not extended to Debts thereafter to be contracted; yet unless some certain Term of Time be limitted for calling in such Debts, and for the Continuance of the aforesaid Method of making up Judgment thereupon, many of said Debts may be long outstanding, and in Consequence thereof it will be requisite (for a Rule to the executive Courts in their Proceedings) that a Valuation of said Bills be from Time to Time made either by the General Assembly or such others as by Law are appointed for that Service, 'till every of those Debts shall be discharged, how long soever that Time may be protracted, to the Hindrance and Interruption of the publick Affairs of the Province, or to the great Trouble Expence and loss of Time to those concerned therein.*

For

For Prevention of which and other Inconveniencies ;

Limitation of the Time for bringing Actions on this Act.

Be it enacted by the Governour, Council and House of Representatives, That in all and every Action and Actions which shall be brought from and after the last Day of *September*, which will be in the Year of our Lord, One Thousand Seven Hundred and forty Nine, the aforementioned Method of making up Judgments in the several executive Courts of this Province, on all Debts and Dues contracted before the last Day of *March*, One Thousand Seven Hundred and forty Seven, by Virtue or in Consequence of the Power and Directions given in the Acts aforesaid, or either of them, shall cease and determine, and no Allowance shall be made in making up such Judgments for any Depreciation of the Bills of Credit, unless the Debt on which such Action shall arise, did not become payable 'till after the last Day of *September*, Anno Domini One Thousand Seven Hundred and forty Nine, or unless the Creditor now be and shall continue out of this Province 'till after the Expiration of the said Term, and have no lawful Agent or Attorney therein, or be a Person *non Compos Mentis*, and have no lawful Guardian, or be under some other legal Incapacity of bringing his Action for the Recovery of such Debt within the Term herein before limitted for that Purpose. And if after that Term Suit shall be brought for any such Debts, Judgments shall be made up according to the last Valuation that shall have been then made.

Saving.

Preamble.

And whereas in and by an Act made and pass'd in the seventeenth Year of his present Majesty's Reign, entitled; An Act in Addition to and in Explanation of sundry Clauses of an Act, *entitled* ; An Act to ascertain the Value of Money, and of the Bills of publick Credit of this Province, made and pass'd in the fifteenth Year of his Majesty's Reign ; *It is enacted*, " That all Debts " contracted since the last of *March*, One Thousand Seven Hundred " and forty Two, or that shall thereafter be contracted (Specialties and expres " Contracts excepted) shall be deemed and adjudged equal to the real Value " only such Bills have passed or shall pass at when such Debt was or shall be " contracted ; and every Debt of *twenty Shillings* contracted as aforesaid, " shall or may be always hereafter discharged by *twenty Shillings* in said Bills, " and so *pro ratâ* for a greater or less Sum, unless such Bills have already or " should hereafter be depreciated below the Value they passed at when such " Debt was or shall be contracted ; and in such Case so much shall always " be allowed by the respective Courts in this Province as shall make said " Bills equal in Value to such Debt when contracted."

And whereas the Debts referred to in the said Act appear by the purview thereof, to be such only as then had been or should be contracted within five Years from the last Day of March, One Thousand seven Hundred and forty two, *yet as the said Act has by some been construed to extend to Debts to be contracted after the Expiration of said Term ; and in Consequence of such Construction (if admitted) many Inconveniencies may arise :*

Wherefore for Prevention thereof, and for removing any Doubts or Disputes touching the Meaning of said Act in the Case before-mentioned :

Time for contracting Debts that are to have Benefit upon Depreciation of the Bills stated.

Be it enacted and declared by the Governour, Council and House of Representatives, That the Debts referred to and intended in the last herein before recited Act are such only as had been or should be contracted within the before-mentioned Term of five Years from the last Day of *March* One Thousand Seven Hundred and forty Two, and that the Rule therein given to the Courts of Judicature respecting the Allowance to be made for the Depreciation of the Bills of publick Credit, was intended and shall be adjudged, construed, and taken to be restrained to Debts, contracted within the Term aforesaid, and not to extend to any other whatsoever.

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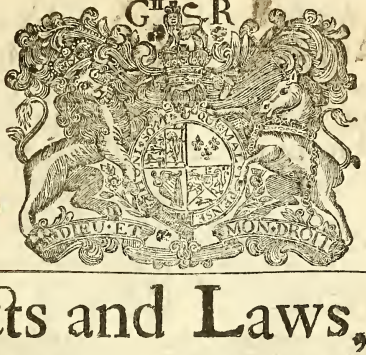

Acts and Laws,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*: Begun and held at *Boston* upon Wednesday the twenty-seventh Day of *May* 1747, and continued by Adjournments and Prorogations to Wednesday the third Day of *February* following.

CHAP. VIII.

An Act for altering the Times appointed for holding the Superiour Court of Judicature, Court of Assize and General Goal Delivery within and for the Counties of *Essex* and *Bristol*.

Preamble.

WHEREAS the Times by Law appointed for holding the Superiour Court of Judicature, Court of Assize, and general Goal Delivery at Salem, *within and for the County of* Essex, *and at* Taunton, *within and for the County of* Bristol, *are found to be inconvenient:*

Alteration of Courts at *Salem* and *Taunton*.

Be it therefore enacted by the Governour, Council and House of Representatives, That the Time for holding the said Superiour Court of Judicature, Court of Assize and General Goal Delivery at *Salem*, for the County of *Essex*, shall henceforth be the third Tuesday in *October* annually: And the Time for holding the said Court at *Taunton*, for the County of *Bristol*, shall henceforth be the second Tuesday in *May* annually: And all Officers and other Persons concerned, are required to conform themselves accordingly.

And be it further enacted, That all Appeals, Writs of Review, Recognizances, Warrants, and other Process already issued, taken or depending in the said County of *Bristol*, which were to have been returned or proceeded on at the Time heretofore appointed by Law for holding the said Court at *Taunton*, shall be valid and stand good to all Intents and Purposes in the Law; and shall be returned and proceeded on at the Time appointed by this Act for holding the same.

CHAP. IX.

An Act for explaining an Act intitled, *An Act to prevent and make void clandestine and illegal Purchases of Lands from Indians*, so far as relates to the Devise or Bequest of any real Estate by the last Will and Testament of any Indians.

Preamble. *WHEREAS Doubts have arisen, whether the Act pass'd in the thirteenth Year of King* William *the Third, Intitled,* An Act to prevent and make void clandestine and illegal Purchases of Lands from the Indians; *doth extend to any Device or Bequest of real Estate made by the last Will and Testament of any Indian:*

Explanation of an Act relating to Indians selling Lands. **Be it therefore declared and enacted by the Governour, Council and House of Representatives,** That the said Act was intended to extend, and did, doth and ought to be understood to extend to all Devises of real Estates made by the last Wills and Testaments of any of the said Indians: And all such Devises of Lands or other real Estate whatsoever by any last Will and Testament from any Indian or Indians inhabiting within this Province, to any English Person or Persons that have been heretofore made, and have not been approved by the General Court; and also all such as shall hereafter be made, unless the Approbation of the General Court shall be obtained, are hereby declared utterly void and of no Effect.

BOSTON: N. E.

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Acts and Laws

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New England*: Begun and held at *Boston* upon Wednesday the twenty-fifth Day of *May* 1748, and continued by Prorogation and Adjournments to Wednesday the twenty-first Day of *December* following, and then met.

CHAP. X.

An Act for drawing in the Bills of Credit of the several Denominations which have at any Time been issued by this Government and are still outstanding, and for ascertaining the Rate of coin'd Silver in this Province for the future.

Preamble.

WHEREAS the Sum of One Hundred and eighty three Thousand six Hundred and forty nine Pounds two Shillings and seven Pence half Penny *Sterling Money has been granted by the Parliament of* Great Britain, *for reimbursing to this Province, their Expences in taking and securing* Cape-Breton:

Persons impowred to act for the Province in taking Care of the Money granted by Parliament for the Charge at *Cape-Breton*.

Be it enacted by the Governour, Council and House of Representatives, That the Honourable Sir *Peter Warren*, Knight of the Bath, *William Bollan*, Esq; Agent for this Province, and *Eliakim Palmer*, Esq, of *London*, Merchant, they or two of them (the said *William Bollan* Agent as aforesaid, except in Case of his Death always to be one) be and are hereby authorized and impowred to give a full Discharge to the right honourable the Lords Commissioners of the Treasury for the Sum granted as aforesaid whensoever the same shall have been issued, or to the Bank of *England*, in Case the same shall have been there deposited, or to any Person or Persons in whose Possession or Custody soever the same is or shall be; to prefer the humble Address of the General Court of this Province to the King's most excellent Majesty, that he would be graciously pleased to order the said Sum

to be transported to this Government in foreign coin'd Silver, on board some one or more of his Majesty's Ships; and to pursue such Instructions as the said General Court shall judge necessary concerning the Transportation of the said granted Sum to this Province.

The Province Treasurer impowered to receive said Money on its Arrival.

And be it further enacted, That the Treasurer of the Province for the Time being, be and hereby is fully authorized and impowred to demand and receive the whole and every Part of the Money aforesaid from the Commander of any Vessel or Vessels on board of which the same shall be ship'd upon the arrival thereof within this Government.

The said Money to be exchanged for Bills of Credit.

And be it further enacted, That from and after the thirty-first Day of *March* which shall be in the Year of our Lord One Thousand seven Hundred and fifty, the Possessor and Possessors of each and every of the Bills of Credit of this Province which shall then be outstanding, upon bringing such Bill or Bills to the Treasurer aforesaid, shall be intitled to and receive in Exchange for every such Bill or Bills Silver at the Rate following, *viz.* for every *forty five Shillings* in Bills commonly known and understood by Bills of the old Form and Tenor, *one Piece of Eight*, and for every *eleven Shillings and three Pence* in Bills of the new Form and Tenor, and also of the middle Form and Tenor, *one Piece of Eight*, and so proportionably for a greater or less Sum in the Bills of each and any of the Forms and Tenors aforesaid. *Provided nevertheless*, That if the Possessors aforesaid shall not offer such Bills in Exchange within one Year from and after the said thirty first Day of *March* One Thousand seven Hundred and fifty, all Right or Claim to the Redemption or Exchange thereof shall determine and cease.

Proviso respecting Bills of the neighbouring Governments.

Provided always, That such of the Bills of Credit of this Province, as shall be the Property of the Inhabitants of *Connecticut*, *New Hampshire*, and *Rhode-Island*, may and shall be redeemed or exchanged by the Bills of Credit of each of those Government respectively that may be in the Hands of the Inhabitants of this Government: Any Thing in this Act to the contrary notwithstanding.

Preamble.

And whereas all Debts, Dues, Demands, Bargains and Contracts whatsoever, unless otherwise specially agreed or contracted, are now understood to be payable and may be discharged by the publick Bills of Credit of this Province, and upon any Action or Actions being brought in the Courts of Judicature within this Province, and Judgment being made upon such Action and Execution issued, such Execution may be now satisfied and discharged by the publick Bills of Credit as aforesaid, with the Addition of a greater or less Sum according to the Time when such Debts were contracted:

Contracts after *Mar.* 31. 1750. to be understood to be in Silver Money.

Be it enacted, That from and after the thirty first Day of *March*, which shall be in the Year of our Lord One Thousand seven Hundred and fifty, all Debts, Dues, Demands, Bargains and Contracts, payable in Bills of Credit as aforesaid, shall be understood to be payable in coin'd Silver only; and all Executions in Consequence of any Judgment of Court in all Actions heretofore brought or that may at any Time hereafter be brought for the Recovery of such Debts, Dues, Demands, Bargains and Contracts made and contracted as aforesaid, shall and may be then discharged by Silver at the Rate following, *viz.* Every *forty five Shillings* of such Debts Dues or Demands which were payable or might be discharged by Bills of the old Tenor, shall and may be discharged by *one mill'd Piece of Eight*, and every *eleven Shillings and three Pence* of such Debts Dues or Demands which were payable or might be discharged by Bills of the middle Tenor, or by Bills of the new Tenor, shall and may be discharged by *one mill'd Piece of Eight*, with such Addition, according to the Time of contracting, as the Laws of this Province do or shall require; and so proportionably of any Debt or Demand of greater or less Value.

And

And whereas in and by the several Acts of this Government for issuing the publick Bills of Credit Provision has been made for drawing said Bills into the publick Treasury again by certain Taxes which it is provided by said Acts shall be laid on the several Towns in this Government in each of the several Years from this present Year until the Year One Thousand seven Hundred and sixty :

Repeal of the Clauses in divers Acts for Taxes.

Be it further enacted, That the several Clauses in the Acts aforesaid, providing for the bringing into the Province Treasury by Taxes the several Sums in Bills of Credit issued by Virtue of such Acts, be and hereby are repealed and declared null and void.

And whereas the Sum granted by Parliament as aforesaid may prove insufficient to redeem or exchange the whole Sum which is now outstanding in said Bills of Credit at the Rates aforesaid :

Tax of *l.*75,000 to be levied in 1749.

Be it further enacted, That there be and hereby is granted unto his most excellent Majesty a Tax of *seventy five Thousand Pounds* to be levied on Polls and Estates both Real and Personal within this Province according to such Rules and in such Proportions on the several Towns and Districts within the same, as shall be agreed upon and ordered by this Court at their Session in *May* One Thousand seven Hundred and forty nine, to be paid into the publick Treasury on or before the last of *December* then next ensuing : And the Tax aforesaid is hereby declared to be payable in Bills of Credit of the new Form and Tenor, or of the middle Form and Tenor according to their respective Denominations, or in Bills of the old Tenor, accounting four for one, or in Spanish mill'd Dollars at the Rate of *eleven Shillings and three Pence* each.

Treasurer to issue his Warrants in Case there be no Act for apportioning said Tax.

And be it further enacted, That in Case the General Court shall not at their Sessions in *May* and before the twentieth Day of *June* One Thousand seven Hundred and forty nine, agree and conclude upon an Act apportioning the Sum which by this Act is engaged shall be in said Year apportioned assessed and levied, that then and in such Case each Town and District within this Province shall pay (by a Tax to be levied on the Polls and Estates both Real and Personal within their Districts) the same Proportion of the said Sum as the said Towns and Districts shall have been taxed by the General Court in the Tax Act then last preceeding ; and the Province Treasurer is hereby fully impowred and directed some Time in the Month of *June* in the Year One Thousand seven Hundred and forty nine, to issue and send forth his Warrants directed to the Select-Men or Assessors of each Town and District within this Province, requiring them to assess the Polls and Estates both Real and Personal within their several Towns and Districts for their respective Part and Proportion of the Sum before directed, and engaged to be assessed, and the Assessors as also Persons assessed, shall observe, be governed by and subject to all such Rules and Directions as shall have been given in the last preceeding Tax Act ; and if there be any Surplusage it shall remain a Stock in the Treasury.

Preamble.

And whereas it is provided by this Act that the whole Sum now outstanding in Bills of Credit which have been the Medium and Instrument of Trade and Commerce for many Years past shall be sunk, partly by a Tax, and partly by being exchanged for the Sum granted by Parliament as aforesaid, which Sum may prove sufficient to serve as a Medium instead of said Bills, and it being of great Importance that all possible Means should be us'd for establishing an invariable Silver Currency for the future :

Contracts & Debts to be paid after *March* 31. 1750 in Silver Money.

Be it enacted, That all Bargains and Contracts Debts and Dues whatsoever which shall be agreed, contracted or made after the thirty-first Day of *March* One Thousand seven Hundred and fifty, shall be understood and are hereby declared to be in Silver at *six Shillings and eight Pence* per Ounce, and all Spanish mill'd Pieces of Eight of full Weight, shall be accounted taken and paid at the Rate of *six Shillings* per Piece for the discharge of any

Rates of Spanish Money.

Con-

Contracts or Bargains to be made after the said thirty-first Day of *March* One Thousand seven Hundred and fifty, the Half's Quarters and other less Pieces of the same Coin, to be accounted received taken or paid in the same Proportion; and if any Person shall for the discharge of any such Contracts or Bargains account receive take or pay any Silver Coin or any of the said Pieces at any greater or higher Rate than that at which the same is hereby regulated and allowed, every such Person so accounting receiving taking or paying the same, shall forfeit the Sum of *fifty Pounds* for every Offence, one Moiety thereof to his Majesty his Heirs and Successors to and for the Use of this Government, the other Moiety to him or them that shall sue for the same, to be recovered with full Costs of Suit by Action of Debt, Bill, Plaint, or Information, in any of his Majesty's Courts of Record within this Province, or by Presentment of the Grand Jury; and all Persons whatsoever are hereby required to conform their Books and Accounts according to the Regulation aforesaid, any former Usage to the contrary notwithstanding; and any Books and Accounts which shall not be made to conform to the said Regulation shall not be admitted or allowed to be produced in Evidence for the Recovery of any Debt in any of his Majesty's Courts within this Province.

Penalty to those who receive or pay Silver Money at any higher Rate.

Preamble.

And whereas Bills of Credit have been the only Medium of Trade within this Government for many Years past, and the Bills of Connecticut, New-Hampshire, *and* Rhode-Island, *have passed promiscuously with the Bills of this Government, and the Inhabitants of this Government will be liable to greater Evils than they have ever yet suffered, if the Bills of those Governments continue current within this Province:*

Penalty for receiving or passing Bills of the neighbouring Governments.

Be it further enacted, That if any Person from and after the thirty-first Day of *March* One Thousand seven Hundred and fifty, shall account receive take or pay any Bill or Bills of Credit of either of the Governments of *Connecticut*, *New-Hampshire*, or *Rhode-Island*, in discharge of any Contract or Bargain, or for any valuable Consideration whatsoever, every such Person so accounting receiving taking or paying the same, shall forfeit the Sum of *fifty Pounds* for every Offence, to be recovered and applied in like Manner with the Forfeiture or Penalty for receiving or paying Silver Coin at any higher Rate than is regulated by this Act.

Oath to be taken by Persons chosen to Office that they have not received or paid said Bills

And be it further enacted, That from and after the last Day of *March* which shall be in the Year of our Lord One Thousand seven Hundred and fifty, until the last Day of *March*, which shall be in the Year of our Lord One Thousand seven Hundred and fifty four, every Person who shall be chosen to serve in any Office in any of the Towns of this Province, shall before his Entrance upon said Office take the following Oath, to be administred by a Justice of the Peace, or where no Justice of the Peace shall be present, by the Town-Clerk, who is hereby impowred to administer the same, *viz.*

Form of the Oath.

YOU A. B. *do in the Presence of GOD, solemnly declare, that you have not since the last Day of* March 1750, *wittingly and willingly, directly or indirectly, either by your self or any for or under you, been concerned in receiving or paying within this Goveanment, any Bill or Bills of Credit of either of the Governments of* Connecticut, New-Hampshire *or* Rhode-Island. So help you GOD.

Penalty in Case of Refusal to take said Oath.

And where any Person chosen as aforesaid shall refuse or neglect to take the Oath aforesaid on tendering the same, the Town shall proceed to the Choice of another Person in his Room; and where any Person shall be elected during the Term aforesaid by any Town into any Office to the Non-Acceptance or Refusal whereof a Penalty is by Law annexed, such Person neglecting or refusing to take the Oath aforesaid, shall be liable to the same Penalty as is by Law provided for the Non-Acceptance or Refusal of such Office.

Persons chosen Representatives to take the said Oath.

And be it further enacted, That when any Person during the Term aforesaid, shall be chosen to represent any Town within this Province in the General Court or Assembly, such Person so chosen shall take the Oath afore-

said,

said, and Return shall be made by the Select-Men upon the Back of the Precept, that the Person so chosen, *has taken the Oath required in the Act made and passed in the twenty second Year of his Majesty King* George *the Second, intitled An Act for drawing in the Bills of Credit of the several Denominations which have at any Time been issued by this Government and are still outstanding, and for ascertaining the Rate of coin'd Silver in this Province for the future.*

And if any Person so chosen shall refuse or neglect to take the Oath aforesaid, such Refusal or Neglect shall be deem'd a refusal to serve as a Representative, and the Town shall proceed to the Choice of another Person in his Room.

Councellors to take said Oath.

And be it further enacted, That the Oath aforesaid shall be administred to each of the Members of his Majesty's Council every Year, during the Term aforesaid, at the same Time when the usual Oaths required to be taken by the said Members of his Majesty's Council shall be administred. And all Officers civil and military within this Government, who shall be nominated or appointed during the Term aforesaid, shall before they receive their respective Commissions take the Oath aforesaid, and their respective Commissions shall otherwise be void: And all Persons elected into any Office during the Term aforesaid by the General Assembly shall be deem'd not qualified to enter upon the Execution of their respective Offices, until they have taken the Oath aforesaid: And all Officers civil and military appointed by this Government who shall be in Commission in the Month of *June* One Thousand seven Hundred and fifty three, shall some Time in said Month take the Oath aforesaid; and in Case of Neglect thereof their respective Commissions shall become and are hereby declared to be void.

As also Officers chosen by the General Court.

And all other Officers civil and military.

The said Oath to be taken upon issuing Executions on Judgments of Courts.

And be it further enacted, That no Execution shall be issued during the Term aforesaid from the Office of any Clerk of any of the Inferiour Courts of Common Pleas or of the Superiour Courts of Judicature for any Sum whatsoever, unless the Plantiff or Plantiffs (suing in his or their own Right and dwelling within this Province) shall first take the Oath aforesaid, and Certificate thereof shall be made on such Execution; and if any Execution shall issue or go forth during the Term aforesaid without such Certificate, the same shall be and is hereby declared to be void. And no Licence shall be granted to, nor any Recognizance taken from any Taverner, Innholder or Retailer, by the Justices of any of the Courts of Sessions within this Province during the Term aforesaid, until such Taverner Innholder or Retailer, shall have taken said Oath in Presence of the Court, or Certificate of his having so done from a Justice of Peace, shall be presented to the Court. *Provided always,* That when any Inhabitant of this Province shall be sued or have his Person or Estate taken by mean Process, or in Execution for any Debt contracted before the thirty-first Day of *March* One Thousand seven Hundred and fifty, with any of the Inhabitants of either of the Governments aforesaid, upon making Oath that he was possess'd of any Sum in Bills of Credit of the Government to which his Creditor belongs, before the said thirty-first Day of *March* One Thousand seven Hundred and fifty, and has continu'd to be so possess'd, he shall have Liberty to tender the same; and the Creditor shall be oblig'd to accept the same towards Payment or Discharge of such Debt in like Manner as if this Act had never pass'd. *Provided also,* And it is accordingly to be understood, that if the Bills of Credit of said Governments of *Connecticut*, *New-Hampshire*, and *Rhode-Island*, shall be drawn in and sunk, and the Paper Currency of said Governments shall be brought to an End and cease, at any Time before the said thirty-first Day of *March*

Taverners Innholders and Retailers to take said Oath.

Proviso in Case Persons are possessed of the Bills of the other Governments.

Proviso in Case the Bills of the other Governments shou'd be sunk.

One Thousand seven Hundred and fifty four, then and in such Case the three last preceeding enacting Clauses of this Act, shall become void and have no further Effect.

Preamble.

And whereas the Sum of One Hundred and eighty three Thousand six Hundred and forty nine Pounds two Shillings and seven Pence half Penny *Sterling, granted by Parliament as aforesaid, and the further Sum of* Seventy five Thousand Pounds, *now granted to be assess'd in Bills of Credit in the Year* One Thousand seven Hundred and forty nine, *on the Polls and Estates of the Inhabitants of this Province, are by this Act become the sole Fund and Security for the whole Sum in Bills of Credit outstanding, and in Case the said Sterling Sum granted as aforesaid, be not imported into this Province before the said thirty first Day of* March *One Thousand seven Hundred and fifty, the exchanging the Bills of Credit as is above intended will be rendered impracticable, and, the former Funds or Securities being made void, there will remain a Fund for* Seventy five Thousand Pounds *only, and the Remainder of the said Bills of Credit will become of no Value to the Possessors:*

Acts for drawing in the Bills to be in Force in Case the Silver Money should not arrive in the Province before the 31st of *Mar.* 1750

Be it therefore provided, And it is accordingly hereby Enacted, that if the Sum granted by Parliament as aforesaid, shall not be received within this Government on or before the thirty-first Day of *March* One Thousand seven Hundred and fifty, then and in such Case the several Acts of this Province for drawing in the said Bills, and all and every Part of said Acts, shall be and continue in full Force, any Thing in this Act to the contrary notwithstanding; and all and every Part of this Act shall be void, and have no further Effect.

Saving *l.* 55,500, which is to be added to the Tax in 1750.

Saving always, *That whereas the Sum of* One Hundred and thirty Thousand five Hundred Pounds *in said Bills of Credit is engaged by said Acts to be drawn in by a Tax in the Year* One Thousand seven Hundred and forty nine, *and by this Act Provision is made for drawing* Seventy five Thousand Pounds, *Part of said Sum only in said Year, which Part of this Act may have had its Effect, and the Time will be elapsed for drawing in the remaining Part of said* One Hundred and thirty Thousand five Hundred Pounds:

It is therefore hereby enacted and declared, That in such Case the Sum of *Fifty five Thousand five Hundred Pounds* the remaining Part of said Sum of *One Hundred and thirty Thousand five Hundred Pounds*, shall be and hereby is added to the Tax of *Thirty five Thousand Pounds*, engag'd to be assess'd in the Year One Thousand seven Hundred and fifty, and the Inhabitants of this Province shall be assess'd for said Sum at the same Time and in like Manner and Proportion as is by Law provided that they shall be assess'd for said *Thirty five Thousand Pounds*, and the Treasurer is hereby required to issue his Warrants accordingly.

CHAP.

CHAP. XI.

An Act in further Addition to an Act entitled, An Act for the more speedy finishing the *Land Bank* or Manufactory Scheme.

Preamble.

IT appearing to this Court, notwithstanding the Provision made for the speedy finishing the Land-Bank *or Manufactory Scheme, in the Act of the Seventeenth Year of his present Majesty's Reign, Intitled,* An Act for the more speedy finishing the Land Bank or Manufactory Scheme, *That there are great Difficulties in the Way of the Commissioners by said Act appointed to finish said Scheme, without the further Aid of this Court, more especially occasioned by the Destruction of the Books and Papers of the said late* Land Bank *Company, and of the said Commissioners, in the late burning of the Court-House in* Boston:

Commissioners impowered and directed to assess Persons according to the List.

Be it therefore enacted by the Governour, Council and Representatives, That the said Commissioners or a major Part of them, be directed and impowered, and hereby they are directed and impowered, as soon as may be, to make an Assessment on those Persons mentioned in a List printed in the Supplement of the *Boston Gazette*, 1745. which List is hereby declared to contain a true and exact Account of the Partners in said late *Land Bank* Scheme, and the said Assessment shall be made for the full Sum in said List, printed in said *Gazette*, and such further Sum as said Commissioners shall judge necessary to redeem all the Outstanding Bills of said Company, Principal and Interest, make good Deficiencies by the failing of any Partners, and to defrey the just incidental Charges; and every Receipt from said Commissioners, or other satisfactory Evidence of Payment on the aforesaid Assessment lately printed in the *Boston Gazette*, shall be taken and received by said Commissioners as Payment for the Sum or Sums they amount to, in the Assessment now directed to; upon and according to which Assessment now ordered (being first approved by the General Court, after being inserted in all the Weekly News-Papers printed in *Boston*, sixty Days before it's Presentation to the General Court, that all concerned may object if they see Cause) the said Commissioners shall issue their Warrants of Distress against such Partners as shall neglect to pay for sixty Days after the General Court's Approbation: Which Warrant of Distress shall be in the Form following, *viz.*

Warrants of Distress to be issued.

Form thereof

Province of the Massachusetts-Bay. } *John Jeffries, Samuel Danforth, John Chandler*, Esqrs; Commissioners for the more speedy finishing the *Land Bank* or Manufactory Scheme.

L. S.

To the Sheriff of the County of A., *his Under Sheriff or Deputy, (or either of the Constables of* B*)* Greeting.

BY Vertue of an Act of the Great and General Court or Assembly of said Province, made at their Session begun and held at *Boston*, upon Wednesday the twenty-sixth Day of *October* 1748. entitled, *An Act in further Addition to an Act entitled, An Act for the more speedy finishing the* Land-Bank *or Manufactory Scheme*, there was an Assessment made on the late Directors and Partners in said Scheme, for the drawing in the Remainder

der of the outstanding Bills emitted on said Scheme, which Assessment has been duly published in all the publick News-Papers in *Boston*, agreable to said Act, and passed the Approbation of the General Court; since which more than sixty Days are passed: In which Assessment A. B. of C. in the County of E. a late Partner in said Scheme, was assessed the Sum of in lawful Money or Manufactory Bills as his Part or Proportion, and altho' publick Notice has been given of said Assessment, as aforesaid, yet the said A. B. hitherto neglects to pay in the same, as is by said Act required:

Wherefore, by Virtue of the Authority to us given in and by the aforesaid Act; These are in his Majesty's Name, to require you to Levy by Distress, and Sale of the Estate Real and Personal of the said A. B. the above Sum of lawful Money, and bring the same to us at our Office in *Boston* forthwith, returning the Overplus (if any be) to the said A. B. and if there cannot be found in your Precinct Estate sufficient to discharge the same, then you are to commit the said A. B. if to be found in your Precinct, to the common Goal of the County of E. there to remain until he has paid the said Sum of lawful Money, and Charges; for all which this shall be your sufficient Warrant; save only, that if you shall take the Real Estate of the said A. B. that then the said A. B. his Heirs, Executors, Administrators or Assigns, shall have Liberty for three Months thereafter, to redeem the same, and if the same shall not be Redeemed within three Months as aforesaid, by paying said Sum of and Charges, then you are required to sell the same as aforesaid, and return this Warrant and your Doings thereon, into the Office of the Register of Deeds for the County of E. there to be recorded.

Given under our Hands and Seals at *Boston*, the Day of 174 in the Year of our Sovereign Lord by the Grace of God King of Great Britain, *&c.*

J J
S D
J C.

Direction to the Sheriffs Coroners and Constables, for executing the Warrants.

And all Sheriffs, their under Sheriffs and Deputies, and where they are interested, all Coroners, and where the Sum exceeds not *ten Pounds* all Constables, are impowred and required to execute them on the Persons whose Names are contained in said List, or their Estates Real or Personal: And as some of said Partners are or may be deceased, or out of the Province, before such Warrant or Warrants of Distress shall be issued, the said Sheriffs, Coroners, and Constables, are hereby impowred and directed to take such Estate as they may find belonged to such deceased Person, or was by Law liable to be taken, if such deceased Person or Persons were then living, and in the Province: The Estate taken whether Real or Personal, to be sold, and the Overplus, if any, to be returned as by Law required in ordinary Cases of Execution or Distress, save only that the Liberty of redeeming the Real Estate shall extend to three Months only, after being taken, upon the Expiration of which Term of three Months, if the same be not redeemed, the Sheriff or other Officer who took the same, shall return the Warrant of Distress, with his Doings thereon, into the Office of the Register of Deeds, in the County where the Lands lie, there to be recorded.

Surplus how to be disposed of.

And if there shall be a Surplus in the Hands of the Commissioners after redeeming said Bills, and paying the necessary Charges, the said Commissioners shall divide and pay the same equitably to and among the said late Partners, said Division being first approved by the General Court.

Time and Place of the Commissioners meeting for redeeming the Bills to be publicly notified.

And to the Intent all Possessors of said Land Bank Bills may more readily and easily receive such Sum or Sums as may be due upon or for their Bills:

Be it further enacted, That the said Commissioners, or a major Part of them, shall as soon as they are enabled to redeem them, give publick Notice in all the said Weekly News-Papers, of the Time or Times, and Place

or

or Places in the Town of *Boston*, when and where they will attend to redeem them; which publick Notice (being inserted six Weeks successively in all the Weekly News-Papers printed in *Boston*) hereby is made and declared to be a legal Tender to all and every Possessor and Possessors of said Bills.

And for as much as by the said Burning many Papers and Evidences were lost, whereby said Commissioners may be much embarras'd, which might be eased by Papers, Books or Receipts, in other Persons Hands:

Commissioners impowered to demand Papers

Be it enacted and declared, That said Commissioners be and hereby they are authorized and impowered to demand and receive of the late Directors, Treasurer, Endorser, Partners and Clerks of the said late Company, any and all Papers they shall judge needful, giving Receipt for them, and to examine the said Persons on Oath touching the Affairs of said late Company: And the said Commissioners or a major Part of them, are directed to meet for the first four Weeks after the Publication of this Act two Days in each Week, and for the next four Weeks one Day in each Week, and after that one Day each alternate or every other Week, 'till the Scheme be finished, and no oftner, unless on a Representation made to the Governour and Council, they shall direct the Commissioners to meet more frequently.

CHAP. XII.

An Act in addition to, and for Explanation of an Act, entitled, An Act for Limitation of Actions, and for avoiding Suits at Law where the Matter is of long standing.

Preamble.

WHEREAS in and by an Act made in the 13th Year of his present Majesty's Reign, entitled, An Act for Limitation of Actions, and for avoiding Suits in Law where the Matter is of long standing; *It is among other Things enacted,* "That all Actions for Arrearages of Rent, or "grounded on any Lending or Contract without Specialty, should be "brought within four Years next after the Cause of such Action, in Cases "where the Cause of Action should arise after the Publication of the said "Act, and in those Cases where the Cause of Action had arisen before "within four Years after the Publication thereof, and not afterwards;" *And whereas the latter Part of the said Clause was at the Time of making the said Act, generally understood to be meant and intended only of such Actions grounded on Lending, or Contract without Specialty as are express'd in the Act of Parliament, which was pass'd in the 21st Year of the Reign of King* James *the first, entituled,* An Act for Limitation of Actions and avoiding Suits at Law; (*from which Act the beforerecited Law of this Province is (with Respect to the Actions therein mentioned) in a great Measure copied;*) *but yet the same construed in it's utmost Latitude, may be understood to include Actions of the Case upon Bill or Note of Hand, and has lately been so adjudged by some of the Courts of Judicature within this Province;* (*and by the like Construction may be deem'd to extend to all Actions of Account, and upon the Case whatsoever, not excepting such Accounts as concern the Trade of Merchandize between Merchant and Merchant, their Factors or Servants;*) *by which Construction in the Courts of Judicature, very many Creditors have been greatly surprized and injured, who upon the aforesaid general understanding of the said Clause of the aforesaid Provincial Act and thro' Lenity to their Debtors, have foreborn to bring Actions for the recovery of Debts due to them by promissary Note or otherwise howsoever upon simple Contract, within the Time limitted in the aforesaid Law of this Province for bringing Actions grounded upon Lending or Contract without Specialty;*

cialty; and will thereby (upon the aforesaid Construction of the latter Part of said recited Clause) be barr'd from bringing Actions for the recovery of the same, and great Mischief and Inconvenience may arise in the Trade of Merchandize and Dealings between Merchant and Merchant, and other Traders within this Province;

Now for remedying and preventing the same,

Further Time allowed for bringing Actions of Account and on the Case.

Be it declared and enacted by the Governour, Council and House of Representatives, That all Actions of Account or upon the Case grounded on any Lending or Contract or otherwise howsoever, in which the Cause of Action has arisen before the Publication of this Act, and which have not yet been commenced or prosecuted to Effect, may be brought and prosecuted at any Time within four Years after the Publication hereof; and in Cases where such Actions have been commenced, and Judgment hath been given upon Plea in Bar or on Tryal for the Defendant, the Plaintiff or Plaintiffs in such Action, their Executors or Administrators, may bring and prosecute a Writ of Review of the said Action in such Court where the same was Tried, within three Years after the making up such Judgments, for the reversing the same, and recovering of their Debt, any Thing in the aforesaid Act contain'd to the contrary notwithstanding, and shall have the like Advantage for recovering the same, as if the said Act had never been made: And that all Actions of Account and upon the Case other than such Accounts as concern the Trade of Merchandize between Merchant and Merchant, their Factors or Servants (the Cause whereof shall arise after the Publication of this Act) shall be brought within the Term of four Years next after the Cause of such Actions, and not afterwards; And that all Actions of Account which concern the Trade of Merchandize between Merchant and Merchant, their Factors or Servants as aforesaid, may be brought and prosecuted at any Time after the Cause of such Action, at the Pleasure of such Persons as may be concerned, any Thing in the aforesaid Act to the contrary in any wise notwithstanding.

Time limited for bringing Actions of Account, and on the Case.

Proviso.

Provided always, and be it further enacted, That this Act shall not be understood to bar any Infant, Feme-Covert, Person imprisoned, beyond the Seas, or *non compos mentis*, from bringing either of the Actions beforementioned within the Term before set and limitted for bringing such Actions, reckoning from the Time that such Impediment shall be removed.

Preamble.

And whereas it may happen that some Debtors may be out of this Province during the whole or some considerable Part of the Term of Time by this Act allowed and limitted for bringing such Actions as aforesaid, and the Creditors in such Case not have like Advantage with other Creditors for recovering their Debts:

Proviso where Debtor continue out of the Province.

It is therefore hereby further Provided and Enacted, That if any Debtor shall continue out of this Province more than twelve Months within the aforesaid Term, in such Case the Creditor shall be allowed such further Time for bringing his Action and recovering his Debt as shall appear (to the Satisfaction of the Court in which such Action shall be brought) that the Debtor had continued out of the Province within the four Years beforementioned.

BOSTON: N.E. Printed and Sold by S. Kneeland and T. Green, by Order of his Excellency the GOVERNOUR, Council, and House of Representatives. MDCCXCIX.

Acts and Laws

Passed by the Great and General Court or Assembly of his Majesty's Province of the *Massachusetts-Bay* in *New-England:* Begun and held at *Boston* upon Wednesday the thirty-first Day of *May* 1749. and continued by sundry Prorogations to the twenty-third of *November* following, and then met.

CHAP. III.

An Act in Addition to and rendring more effectual an Act Intitled An Act for drawing in the Bills of Credit of the several Denominations, which have at any Time been issued by this Government, and are still outstanding, and for ascertaining the Rate of coined Silver in this Province for the future; made in the twenty-second Year of his present Majesty's Reign.

Preamble.

WHEREAS it is declared and provided in said Act in the Words following, " And whereas the Sum of *One Hundred and eighty three Thousand six Hundred and forty nine Pounds two Shillings* " *and seven Pence half Penny* Sterling, *granted by Parliament as* " *aforesaid; and the further Sum of* Seventy five Thousand Pounds *now* " *granted to be assessed in Bills of Credit in the Year* One Thousand seven " Hundred and forty nine *on the Polls and Estates of the Inhabitants of* " *this Province, are by this Act become the sole Fund and Security for the* " *whole Sum, in Bills of Credit outstanding, and in Case the said Sterling* " *Sum granted as aforesaid be not imported into this Province before the* " *said thirty-first Day of* March One Thousand seven Hundred and fifty,

" *the exchanging the Bills of Credit, as is above intended, will be rendred* " *impracticable, and the former Funds and Securities being made void, there* " *will remain a Fund for* seventy five Thousand Pounds *only, and the Re-* " *mainder of said Bills of Credit will become of no Value to the Possessors :* " **Be it therefore provided,** And it is accordingly hereby enacted, " that if the Sum granted by Parliament as aforesaid, shall not be re- " ceived within this Government on before the thirty-first Day of *March* " One Thousand seven Hundred and fifty, then and in such Case the " several Acts of this Province for drawing in the said Bills, and all and " every Part of said Acts, shall be and continue in full Force ; any Thing " in this Act to the contrary notwithstanding ; and all and every Part " of this Act shall be void, and have no further Effect."

And whereas certain Deductions and Stoppages have been made from the aforesaid Sum of One Hundred and eighty three Thousand six Hundred and forty nine Pounds two Shillings and seven Pence half Penny *Sterling ; by Means whereof the whole and every Part of said Sum has not yet been and cannot be received within this Government before the said thirty-first of* March One Thousand seven Hundred and fifty, *which has occasioned Doubts and Uncertainty in the Minds of some whether the said Act is not or may not thereby become void and of no Effect :*

Act for drawing in the Bills of Credit, &c. confirmed.

Be it therefore enacted by the Lieutenant Governour, Council and House of Representatives, That the said Act be and hereby is declared to be in as full Force, and shall have the same Effect to all Intents and Purposes as if the exact Sum of *One Hundred eighty three Thousand six Hundred and forty nine Pounds two Shillings and seven Pence half Penny* Sterling, had been received within this Government without any Deductions or Stoppages made as aforesaid ; any Construction that has been or may be put on the aforesaid Paragraph to the contrary notwithstanding.

CHAP. IV.

An Act to prevent vexatious Law Suits.

Preamble. *WHEREAS it is the Practice of divers Persons in this Government to vex their Neighbours, and put them to excessive Costs, by suing them to some distant Court, in some County of the Province where neither Plaintiff nor Defendant is an Inhabitant ; and such Suits are frequently sustained, notwithstanding the Law of this Province enables the several Inferiour Courts of Common Pleas, and the Superiour Court of Judicature to try Matters only that happen and arise within the County where the Court is held ; by Reason whereof many Inconveniencies have arisen :*

For Prevention whereof :

No personal Action to be tried at the Inferiour Court, &c. in any County where neither Party is an Inhabitant.

Be it enacted by the Lieutenant Governour, Council and House of Representatives, That from and after the Publication of this Act, no personal Action or Suit shall be brought by any Plaintiff or Plaintiffs (that are Inhabitants of this Government) to any Inferiour Court of Common Pleas in any of the Counties within this Province, where neither the Plaintiff nor Plaintiffs by whom such Suit is brought, nor the Defendant nor Defendants against whom such Suit is brought, shall be an Inhabitant within such County where such Suit is brought as aforesaid, but all such Actions or Suits shall be barred, and the Defendant or Defendants so sued shall recover double Costs of the Suit ; saving where such Defendant or Defendants against whom such Suit is brought are not

Saving.

Inhabi-

Inhabitants of this Province, in such Case such Action or Suit may be brought in any of the Counties within this Province :

Provided nevertheless, in Cases of Trespass *vi et armis*, and Debts due by Bond that by the Face of said Bond are made local, those Actions may be tried where the Trespass shall have been committed, or where said Bonds have been given. Proviso.

CHAP. V.

An Act in Addition to the Act to enable two Justices to adjourn a Court upon special Occasions.

WHEREAS *in and by an Act made in the seventh Year of the Reign of King* William *the Third, Intitled* An Act to enable two Justices to adjourn a Court upon special Occasions ; *any two of his Majesty's Justices of the Superiour Court of Judicature &c. and Inferiour Court of Common Pleas respectively, whenever such Courts by any Providential, necessary and unavoidable Let or Hindrance of their Attendance cannot be held and kept on the Day by Law appointed for holding the same, are impowered by Writ under their Hands and Seals directed to the Sheriff of the County to adjourn such Court unto a further Day ; but no Provision is made in and by said Act for any further Adjournment ; which may be found necessary for the same Reasons :* Preamble.

Be it therefore enacted by the Lieutenant Governour, Council and House of Representatives, That when and so often as it shall happen that either of the said Courts cannot, for any of the Reasons mentioned in the said Act, be held and kept on the Day to which, by Virtue of the aforesaid Act, the same may have been adjourned, or on any Day to which the Justices of the respective Courts at their Session may have adjourned the same, or on any Day to which the same may be adjourned by the General Court ; it shall and may be lawful for any two of the Justices of such Court, in like Manner as in the said Act is mentioned, to adjourn the same to some further Day : And the Sheriff upon Receipt of such Justices Writ for that Purpose, shall conform himself to the Directions of the former Law. Two Justices impower'd to adjourn a Court after a first Adjournment in Case.

And be it further enacted, That whenever by Reason of any extraordinary Let or Hindrance such two Justices cannot, without extream Difficulty, transmit any Writ for the Adjournment of such Court to the Sheriff, they may cause a Notification of such Adjournment or Adjournments to be posted up on the House where the Court was to have been held, and at such other publick Places as they may judge most suitable to give speedy Notice thereof to the County ; and such Adjournment shall be adjudged good to all Intents and Purposes. Manner of Notifying such Adjournments.

CHAP.

CHAP. VI.

An Act to allow the Town of *Swanzey* in the County of *Bristol* to set up and carry on a Lottery for the Re-building and keeping in Repair *Miles-Bridge* in said Town.

Preamble.

WHEREAS by a Law of this Province made in the sixth Year of the Reign of his late Majesty King George *the first, Intitled* An Act to suppress Lotteries; *and another Law made in the sixth Year of his present Majesty's Reign, in Addition to the aforesaid Act, the setting up or carrying on Lotteries are suppressed, unless allowed by Act of Parliament or Law of this Province: And whereas the said Town of* Swanzey *have represented their Inability of Re-building and keeping in Repair the Great Bridge and Causeway in said Town called* Miles-Bridge, *by Reason great Part of said Town is taken off to* Rhode-Island *by the late Settlement of the Boundary Line betwixt the two Governments, and pray the Allowance of setting up and carrying on a Lottery in said Town for that Purpose:*

Town of *Swanzey* impowered to have a Lottery for repairing *Miles Bridge.*

Be it therefore enacted by the Lieutenant Governour, Council and House of Representatives, That the said Town of *Swanzey* be and hereby is allowed and authorized to set up and carry on a Lottery within said Town, for the Use and Purpose aforesaid, of the Amount of *twenty five Thousand Pounds* old Tenor, drawing out of each Prize ten per Cent. and said Town be impowred to make Rules for the regular and practicable Proceeding in said Affair, and to appoint Times and Places, and meet Persons for Managers therein, who shall be sworn to the faithful Discharge of their Trust.

Town of *Swanzey* to be answerable for any Deficiency or Mismanagement.

And in order to prevent any Bubble or Cheat's happening to the Purchasers or Drawers of the Tickets:

Be it further enacted, That said *Swanzey* shall be answerable to the Purchasers or Drawers of the Tickets for any Deficiency or Misconduct of the Managers, according to the true Intent of Lotteries.

BOSTON: Printed and Sold by S. Kneeland and T. Green, by Order of His Honour the Lieutenant GOVERNOUR, Council and House of Representatives. MDCCXLIX.

Acts and Laws

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*: Begun and held at *Boston* upon Wednesday the thirty-first Day of *May* 1749, and continued by sundry Prorogations and an Adjournment to the twenty-second Day of *March* following, and then met.

CHAP. VII.

An Act in Addition to an Act made and passed in the twenty-second Year of his Majesty's Reign, Intitled *An Act for drawing in the Bills of Credit of the several Denominations which have at any Time been issued by this Government and are still out-standing, and for ascertaining the Rate of coined Silver in this Province for the future.*

WHEREAS in and by an Act made and passed in the twenty-second Year of his present Majesty's Reign, Intitled An Act for drawing in the Bills of Credit of the several Denominations which have at any Time been issued by this Government, and are still out-standing, and for ascertaining the Rate of Coined Silver in this Province for the future; *it is among other Things enacted and declared in the Words following, viz.* " That no Execution shall be issued during the Term a-" foresaid from the Office of any Clerk of any of the Inferiour Courts " of Common Pleas or of the Superiour Courts of Judicature, for any " Sum whatsoever, unless the Plaintiff or Plaintiffs (suing in his or their " own Right) shall first take the Oath aforesaid, and Certificate thereof Preamble.

" shall be made on such Execution." *And whereas such Clerk* ex Officio *is not impowred to administer such Oath, and by Means thereof great Delay may be occasioned to many Plaintiffs, and Loss and Damage thereby arise:*

Clerks of the Courts impowred to administer Oaths upon taking out Executions.

Be it therefore enacted, That the Clerks of the Superiour Court of Judicature and the several Clerks of the Inferiour Courts of Common Pleas within this Province be and hereby are impowred to administer such Oath (when it hath not already been done before a Justice of Peace, and certified to the Clerk) to any Plaintiff or Plaintiffs whatsoever (suing in his or their Right and dwelling within this Province) and Certificate may and shall be made thereof accordingly; and for administring the Oath as aforesaid such Clerk shall be allowed *three Pence*, and no more.

Fee for administring the Oath and for certifying it.

And be it further enacted, That for each Certificate on an Execution, the Clerk of the Court signing the same shall be allowed *three Pence* lawful Money, and no more; and the Cost and Charge of such Oath and Certificate shall be added to the Sum in the Execution required to be levied accordingly.

CHAP. VIII.

An Act for ascertaining the Rates at which coined Silver and Gold and English Half-Pence and Farthings may pass within this Government.

Preamble.

WHEREAS *in and by an Act made and passed in the twenty-second Year of his present Majesty's Reign, Intitled* An Act for drawing in the Bills of Credit of the several Denominations which have at any Time been issued by this Government and are still outstanding, and for ascertaining the Rate of coin'd Silver in this Province for the future; *it is enacted in the Words following, viz,* " That all Bargains, and " Contracts, Debts and Dues whatsoever which shall be agreed, contract-" ed or made after the thirty-first Day of *March* 1750, shall be under-" stood, and are hereby declared to be in Silver at *six Shillings and eight* " *Pence* per Ounce, and all Spanish mill'd Pieces of Eight of full Weight " shall be accounted, taken and paid at the Rate of *six Shillings* per Piece " for the discharge of any Contracts or Bargains to be made after the said " thirty-first Day of *March* 1750, the Halves, Quarters and other less " Pieces of the same Coin to be accounted, received, taken or paid in the " same Proportion." *And whereas there is great Reason to apprehend that many and great Inconveniencies may arise in Case any coin'd Silver or Gold, or English Half Pence and Farthings should pass at any higher Rate than in a just Proportion to Spanish Pieces of Eight or coin'd Silver at the Rates aforesaid:*

Rates of Coins stated.

Be it therefore enacted by the Lieutenant Governour, Council and House of Representatives, That it shall not be lawful for any Person within this Government from and after the thirty first Day of *March* One Thousand seven Hundred and fifty, to receive take or pay any of the following Coin at any greater or higher Rate than is allowed by this Act, *viz.* A Guinea at *twenty eight Shillings:* An English Crown at *six Shillings*

lings and eight Pence: An half Crown at *three Shillings and four Pence*: An English Shilling at *one Shilling and four Pence*: An English six Pence at *eight Pence*: A double Johannes, or Gold Coin of *Portugal* of the Value of *three Pounds twelve Shillings* Sterling, at *four Pounds sixteen Shillings*: A single Johannes of the Value of *thirty six Shillings* Sterling, at *forty eight Shillings*: A Moidore at *thirty six Shillings*: A Pistole of full Weight at *twenty two Shillings*: Three English Farthings for *one Penny*; and English Half Pence in greater or less Numbers in Proportion.

Penalty for giving more for any the said Coins than according to Establishment.

And be it further enacted, That if any Person within this Government shall after the thirty-first Day of *March* One Thousand seven Hundred and fifty, for the discharge of any Contract or Bargain, account, receive take or pay any of the several Species of Coins before mentioned at any greater or higher Rate than at which the same is hereby regulated, settled and allowed to be accounted, received, taken or paid, every Person so accounting, receiving, taking or paying the same contrary to the Directions herein contained, shall forfeit the Sum of *fifty Pounds* for every such Offence, one Moiety thereof to his Majesty for the Use of this Government, the other Moiety to such Person or Persons as shall sue for the same; to be recovered with full Costs of Suit by Action of Debt, Bill, Plaint or Information in any of his Majesty's Courts within this Province.

Proviso relating to Bargains &c. made before March 31st 1750.

Provided always, and it is hereby declared, That nothing in this Act shall be understood to restrain any Person or Persons from accounting, receiving taking or paying any of the abovementioned Species or Coins in discharge of any Debts, Contracts or Bargains made before the thirty-first Day of *March* One Thousand seven Hundred and fifty, at the following Rates, *viz.* For any Debt contracted before the said thirty-first Day of *March*, and understood to be payable in Bills of the old Tenor in such Proportion higher or greater than the Rates set at in this Act, as *forty five Shillings* is to *six Shillings*; and for any Debt contracted before the said thirty-first Day of *March*, and understood to be payable in Bills of the middle Tenor or Bills of the new Tenor, in such Proportion higher or greater than the Rates set at in this Act as *eleven Shillings and three Pence* is to *six Shillings*: Any Thing in this Act to the contrary notwithstanding.

CHAP. IX.

An Act in further Addition to the several Acts of this Province made for the Distribution and Settlement of the Estates of Intestates.

Preamble.

WHEREAS by the Laws of this Province made for the Distribution and Settlement of the Estates of Intestates, it is provided that such real Estates as cannot (without Prejudice to or spoiling them) be divided among all the Children of any Person dying Intestate and leaving Children, may be setled on one or so many of them as the Estate will conveniently accommodate; but no Provision by Law has as yet been made for the like Settlement of Estates (uncapable of a Division among all the Heirs) where the Intestate dies without Issue:

Be

Settlement of intestate Estates where there is no Issue.

Be it therefore enacted by the Lieutenant Governour, Council and House of Representatives, That where the real Estate of any Person dying Intestate and not leaving Issue, cannot be divided among all the Heirs, without great Prejudice to or spoiling the whole, the Judge of the Probate of Wills in the County in which such Intestate Person last dwelt, shall have Power, and he is hereby authorized to order and assign the same to one or so many of the next of Kin to such Intestate in equal Degree, or their legal Representatives, as such Estate will conveniently accommodate without Prejudice to or spoiling the whole (Preference being given to the Male Heirs among such as are of Kin in equal Degree) in Manner as the same might by Law have been settled on the Children of the Intestate in Case he or she had left Issue.

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An Act

Passed by the Great and General Court or Assembly of his Majesty's Province of the *Massachusetts-Bay* in *New-England*: Begun and Held at *Boston* upon Wednesday the thirtieth Day of *May* 1750, and continued by Prorogations to Wednesday the twenty-sixth of *September* following.

CHAP. I.

An Act in Explanation of an Act made in the Reign of King *William* the Third, Intitled *An Act for Review in Civil Causes.*

WHEREAS some Doubt has arisen and may arise, whether the Act made in the thirteenth Year of the Reign of King William *the Third, Intitled,* An Act for Review in Civil Causes, *extends to Judgments given, on Informations filed by Impost Officers or their Deputies for the Declaration of the Forfeiture of Goods by them seized:* Preamble.

Be it therefore enacted by the Lieutenant Governour, Council and House of Representatives, That the said Act doth not, nor ever did, neither ought to be construed to extend to Judgments given on such Informations. Explanation of an Act on Reviews.

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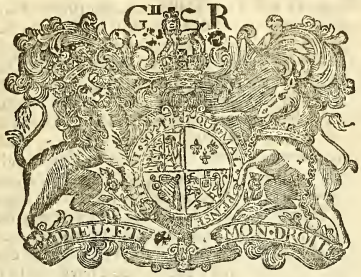

Acts and Laws

Passed by the Great and General Court or Assembly of his Majesty's Province of the *Massachusetts-Bay* in *New-England*: Begun and Held at *Boston* upon Wednesday the thirtieth Day of *May* 1750; and continued by Prorogations to Thursday the tenth of *January* following.

CHAP. II.

An Act to regulate the Importation of *Germans* and other Passengers coming to settle in this Province.

WHEREAS Germans *and other Persons may be imported in so great Numbers in one Vessel, that through want of necessary Room and Accommodations, they may often contract mortal and contagious Distempers, and thereby occasion not only the Death of great Numbers of them in their Passage, but also by such Means on their Arrival in this Province, those who may survive, may be so infected as to spread the Contagion, and be the Cause of the Death of many others:* Preamble.

To the End therefore that such an evil Practice may be prevented, and Inconveniencies thence arising avoided as much as may be;

Be it enacted by the Lieutenant Governour, Council and House of Representatives, That from and after the Publication of this Act, no Master or Commander of any Ship, or other Vessel whatsoever, bound to the Port of *Boston*, or elsewhere within this Province, shall import into said Port of *Boston*, or into any other Port within this Province, any greater Number of Passengers in any one Ship or other Vessel than such only as shall be well provided with good and wholesome Meat, Drink and other Necessaries for Passengers and others during the whole Voyage; and shall have Room therein to contain for single Freight or Passengers of the Age of fourteen Years or upwards, at least six Feet in Length, and one Foot and six Inches in Breadth, and if under the Age aforesaid, to contain the same Length and Breadth for every two Sufficient Room & Provisions to be allowed to Passengers coming in any Vessel to settle in this Province.

Penalty to any delinquent Master.

such Passengers; and if any Master or Commander of any Ship or other Vessel against the Tenor of this Act, shall import into this Province any one or greater Number of Passengers not accommodated or provided during his Voyage with good and wholesome Meat, Drink, Room and other Necessaries as aforesaid, such Master or Commander shall forfeit and pay for every Passenger so imported into this Province, the Sum of *five Pounds*, to be recovered by Action of Debt, with full Costs of Suit, in any Court of Record within this Province: The one Half of said Forfeiture to any one who will sue for the same to Effect, and the other Half to the Province Treasurer, to be applied towards Payment of the Charges and Expences of this Province: Provided such Action shall be commenced within the Space of forty Days next after any such Offence shall be committed; or such Delinquent may be indicted for the same in the next Court of General Sessions of the Peace for the County where the Offence shall be committed; and on due Conviction be fined at the Discretion of the Court not exceeding *five Pounds* for each Passenger, exceeding the Number by this Act allowed to be imported as aforesaid.

And to the End this Act and the Provisions herein made may be more particularly observed;

The Impost Officer & his Deputies impowred to make Inquiry referring to the Observation of this Act.

Be it further enacted, That the Commissioner of Impost for the Time being, or his lawful Deputies, in going on board any Ship or other Vessel importing Passengers either by his or their View, or otherwise, shall and is hereby required to inform himself of the Condition and Circumstances of the Passengers on board, and whether they have been provided for and accommodated with the Provisions, Room and other Necessaries herein directed; and where at any Time a Deficiency shall appear to him or any of them, he or they shall forthwith give Notice of the same to some one or more of the Justices of the Peace for the County where the Offence is committed, to the End the Person or Persons delinquent may be sent for or bound over to the next Court of General Sessions of the Peace, then and there to answer for such Offence.

Provision for saving the Money Goods &c. of any Passengers that may die on the Passage.

And be it further enacted, That every Master or Commander of any Ship or other Vessel importing any Passenger or Passengers to be landed within this Province, who in their Passage hither, or soon after their Arrival, may happen to die, leaving Goods, Chattles, Money or other Effects on board such Ship or other Vessel, or in the Hands or Custody of any such Master or Commander, every such Master or Commander within the Space of twenty Days next after his Arrival, or after the decease of every such Passenger, shall exhibit to the Register of the Judge of Probate of Wills, and granting Administration for the County where such Goods and Effects shall be, a true and perfect Inventory, upon Oath, of all such Goods, Chattles, Money or other Effects, to the End that after Payment of all just Demands which shall be due to the said Master or Commander, or to his or their Owner or Owners, the Remainder of such Goods and Effects may be committed to the Custody of some proper Person or Persons, for the Benefit of the Wife and Children, or other Kindred or Creditors of the Deceased, as the Case may require, and the Law in such Case shall direct.

Penalty for any Masters Neglect of exhibiting an Inventory of such Goods &c

And be it further enacted, That if any such Master or Commander of any such Ship or other Vessel shall neglect or refuse to exhibit such an Inventory of the Goods and Effects of any such Passenger or Passengers so dying as aforesaid, every such Master or Commander shall forfeit and pay the Sum of *two Hundred Pounds*, to be recovered and applied as aforesaid.

CHAP.

CHAP. III.

An Act for holding a Superiour Court of Judicature Court of Assize and General Goal Delivery at other Times than those already appointed by Law.

WHEREAS the Time by Law appointed for holding the Superiour Court of Judicature Court of Assize and General Goal Delivery, is but once in six Months in any County, and but once a Year in many Counties, by Reason whereof Felons by making their Escape, or by the Death of Witnesses, may avoid Justice, or great Charges may arise by keeping such Offenders in Goal, as well as Damages accrue to Witnesses by being detained until the Time by Law appointed for holding the Court where such Offenders are triable: And as there is not by the Laws of this Province sufficient Provision made for remedying the Inconveniencies aforesaid: Preamble.

Be it enacted by the Lieutenant Governour, Council and House of Representatives, That the Governour or Commander in Chief for the Time being, by and with the Advice and Consent of the Council, may upon such Occasions, by Precept directed to the Justices of the Superiour Court of Judicature Court of Assize and General Goal Delivery, order and appoint them to hold a Superiour Court of Judicature Court of Assize and General Goal Delivery, for inquiring of, hearing and determining all such Felonies on certain Days and Places by them to be appointed in the County where such Offence by Law is triable; and that the Justices aforesaid upon the Receipt of such Precept, shall cause Process to issue for summoning Grand Jurors and Petit Jurors out of the several Towns, as is usual for the stated Courts, to attend such Special Court at the Time and Place appointed by the Justices thereof for holding the same, and make out all other necessary Process, and do whatever else is or may be requisite to be done for the holding such Court, inquiring of such Felonies, hearing and determining the same, giving Judgment and awarding Execution thereon, as fully as the Superiour Court of Judicature Court of Assize and General Goal Delivery might or could do at a Time by Law appointed for holding such Court. Governour and Council impowred to call a Special Court of Assize &c.

And be it further enacted, That if any such special Court can't be held on the Day appointed therefor, any one of the Justices thereof may adjourn the same from Time to Time until such Court can be held. How the Court may be adjourned.

CHAP. IV.

An Act for raising the Sum of *Twelve Hundred Pounds* by Lottery, for building and maintaining a Bridge over the *River-Parker* in the Town of *Newbury*, at the Place called *Old-Town-Ferry*.

WHEREAS the building a Bridge over the River-Parker *in the Town of* Newbury *in the County of* Essex, *at the Place called* Old-Town-Ferry, *will be of publick Service; And whereas the Town of* Newbury Preamble.

Newbury *have by Mr.* Daniel Farnum *their Agent, applied to this Court for Liberty to raise the Sum of* Twelve Hundred Pounds *by Lottery, for building and maintaining a Bridge over the said River at the Ferry Place aforesaid, under the Direction of Persons to be appointed by this Government:*

A Lottery to be set up in *Newbury* for building a Bridge over the *River-Parker.*

Be it therefore enacted by the Lieutenant-Governour, Council and House of Representatives, That *Thomas Berry, John Greenleaf, Joseph Gerrish,* and *Joseph Atkins,* Esquires, and the said *Daniel Farnum,* (or any three of them) be and hereby are allowed and impowred to set up and carry on a Lottery within the said Town of *Newbury*, amounting to such a Sum as by drawing *ten per Cent.* out of each Prize, they may thereby raise the Sum of *Twelve Hundred Pounds*, to be applied (by them or any three of them) towards building and maintaining a good and sufficient Bridge at the Place aforesaid; and for defraying the necessary Charges of the Lottery aforesaid: And that the said *Thomas Berry, John Greenleaf, Joseph Gerrish, Joseph Atkins,* and *Daniel Farnum,* (or any three of them) be and hereby are impowred to make all necessary Rules for the regular Proceeding therein, and shall be sworn to the faithful Discharge of their Trust aforesaid, and be answerable to the Purchasers and Drawers of the Tickets for any Deficiency or Misconduct; and that the Money so raised shall be applied to the Uses and Purposes aforesaid.

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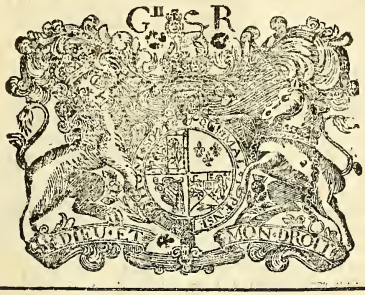

Acts and Laws

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*: Begun and Held at *Boston* upon Wednesday the thirtieth Day of *May* 1750; and continued by Prorogations and Adjournment to Wednesday the twenty-seventh Day of *March* following.

CHAP. V.

An Act in Addition to the several Laws already in Being for the more speedy finishing the *Land Bank* or *Manufactory Scheme*.

Preamble.

WHEREAS an Assessment was made by the Commissioners appointed by the Act of this Province, pass'd in the seventeenth Year of his present Majesty's Reign, Intitled, "An Act for the "more speedy finishing the Land-Bank or Manufactory "Scheme," *on certain delinquent Partners, so called, and said Assessment was published in the* Boston Gazette *or* Weekly Journal, *of the 21st of* August 1744; *and another Assessment was made by said Commissioners on other delinquent Partners, so called, and published in the* Boston Gazette *or* Weekly Journal *of the 13th of* November 1744, *and a further Assessment was made by said Commissioners on the late Directors and Partners of said Company, and published in the Supplement to the* Boston Evening-Post *of the 27th of* December 1745: *All which Assessments have been received in Part only. And whereas by Reason of the burning of the Court-House in* Boston, *and the Papers that were therein relating to the* Land Bank *or* Manufactory Scheme, *it is now become impossible to ascertain the exact Sum which has been paid by said Director and Partners in Consequence of said Assessments, otherwise than from the Books, Papers or other Evidence which may be produced by said Directors and Partners themselves:*

Directors and Partners to be held to the Payment of the Sum affixed to their Names in the *Boston Gazette* &c.

Be it therefore enacted by the Lieutenant Governour, Council and House of Representatives, That each and every one of said late Directors and Partners assessed by said Commissioners, whose Names are published in the aforesaid *Gazettes* or *Journals* of the 21st of *August* &c.

August 1744, and of the 13th of *November* 1744, and the Supplement to the *Boston Evening-Post* of the 27th of *December* 1745, and their Estates shall be held and are hereby declared to be liable to the Payment of the Sums affixed to their Names respectively, saving such Part thereof only which said Directors and Partners or their Representatives shall make appear by Receipts or other Evidence, which shall be satisfactory to the Commissioners, has already been paid in Discharge of said Assessments; and each and every of the said Directors and Partners in the several Assessments aforesaid, and their Estates, shall likewise be held and are hereby declared to be liable to the Payment of Interest on the whole or such Part of their respective Assessments as they shall not make appear to have been discharged, at and after the Rate of *six per Cent.* per Annum, to be computed from the Time such Assessment or such Part thereof respectively as shall remain unpaid became payable or due, until the Time of Payment; and each and every of the delinquent Partners whose Names were published in the *Gazettes* of 21st *August* and 13th *November* 1744, and their Estates as aforesaid, are held and hereby declared to be liable to the Payment of the further Sum of *ten per Cent.* and each and every of the Directors and Partners whose Names were published in the Supplement to the *Boston Evening-Post* of the 27th *December* 1745, and their Estates, are held and hereby declared to be liable to the Payment of *five per Cent.* on the Sums respectively due and unpaid, over and above the Interest aforesaid, in Consideration of the Charges which have been caused by their Nonpayment of their respective Parts of the Assessments aforesaid.

Saving what is already paid.

Six per Cent. added as Interest.

Ten per Cent. added.

Five per Cent. added for Charges.

Preamble.

And whereas there appears to be a Balance due from several of said Directors, agreable to a Report of a Committee of the General Court signed John Wheelwright *per Order, and dated* April 17th 1751, *and the Vote or Order of the General Court accepting said Report, amounting in the whole to* seven Hundred and forty-eight Pounds three Shillings and three Pence *Land-Bank Money, so called: And whereas it is reasonable that each and every of the Directors of said Company should pay the Sum of* forty Pounds *Land Bank Money as their Proportion to what the Partners have already been assessed for the Charge and Loss sustained by said* Land-Bank *or* Manufactory *Company, over and above the Sum of* twenty Pounds *lawful Money which has heretofore been assessed on each of said Directors:*

Directors to pay the Balances in the Committees Report.

Be it therefore enacted, That the several Directors still surviving and mentioned in said Report, and their Estates, and also the Estates of such of said Directors as are deceased, be and hereby are declared to be held and made liable to the Payment of the aforesaid Balances as are respectively declared by said Report to be due from them to said Company; and also to the further Sum of *forty Pounds* Land Bank Money each as aforesaid, such Payments to be made in Land Bank Money or lawful Money equivalent.

Warrants to be issued against the Directors and Partners.

And be it further enacted, That if either of the late Directors and Partners, or their Heirs, Executors or Administrators, shall not have paid the Sums which by this Act they the said Directors and Partners or their Estates are held and made liable to the Payment of, on or before the first Day of *August* 1751, then and in such Case the said Commissioners be and hereby are impowred and required (any Judgments of Court heretofore obtained and unsatisfied notwithstanding) forthwith to issue their Warrants of Distress against the Persons or Estates of each surviving Director and Partner, and the Estates of each Director and Partner deceased, from whom any Part of the Sum required by this Act to be paid as aforesaid shall then remain due: Which Warrant shall be in the Form following:

To

To the Sheriff of the County of A. *his Under-Sheriff or Deputy.* Greeting.

Form of the Warrants of Distress.

BY Virtue of the Authority given to us in and by an Act made and pass'd in the twenty-fourth Year of his Majesty King GEORGE *the Second, Intitled*, An Act in addition to the several Laws already in Being for the more speedy finishing the *Land Bank* or *Manufactory Scheme*; *These are in his Majesty's Name to require you to levy by Distress and Sale of the Estate of* A. B. *of* C. *in the County of* E. *the Sum of Lawful Money, and bring the same to us at our Office in* Boston *forthwith, returning the Overplus (if any be) to the said* A. B. *and if there cannot be found in your Precinct Estate sufficient to discharge the same, then you are to commit the said* A. B. *if to be found in your Precinct, to the common Goal of the County of* E. *there to remain until he has paid the said Sum of Lawful Money and Charges: For all which this shall be your sufficient Warrant; save only that if you shall take the Real Estate of the said* A. B. *that then the said* A. B. *his Heirs, Executors, Administrators or Assigns, shall have Liberty for three Months thereafter to redeem the same; and if the same shall not be redeemed within three Months as aforesaid, by paying said Sum of and Charges, then you are required to sell the same as aforesaid, and return this Warrant and your Doings thereon, into the Office of the Register of Deeds for the County of* E. *there to be recorded. Given under our Hands and Seals at* Boston *the Day of* 175 . *in the Year of our Sovereign Lord by the Grace of GOD, King of* Great Britain *&c.*

J. J.
S. D.
J. C.

Officers impowred to execute said Warrants.

And all Sheriffs, their Under-Sheriffs and Deputies, are impowred and required to execute the said Warrant on the Persons whose Names shall be inserted therein, or their Estates Real or Personal: And where the Sheriff his Under-Sheriff or Deputy is concerned, such Warrant may be directed to the Coroner of the County of *A.* or his Deputy, and be executed by either of them: And as some of said Persons are or may be deceased, or out of the Province, before such Warrant or Warrants of Distress shall be issued, the said Sheriffs and Coroners are hereby impowred and directed to take such Estate as they may find belonged to such deceased Person, or was by Law liable to be taken, if such deceased Person or Persons were then living, and in the Province; The Estate taken, whether Real or Personal, to be Sold, and the Overplus, if any, to be returned, as by Law required in ordinary Cases of Execution or Distress, save only that the Liberty of redeeming the Real Estate shall extend to three Months only after being taken; upon the Expiration of which Term of three Months, if the same be not redeemed, the Sheriff or other Officer who took the same, shall return the Warrant of Distress, with his Doings thereon, into the Office of Register of Deeds in the County where the Lands lie, there to be recorded.

Three Months allowed to redeem real Estates.

Preamble.

And whereas it may happen that a further Sum may be still necessary to be raised in order to finish the Affairs of the said Land Bank *or* Manufactory *Company:*

Commissioners impowred to make further Assessments.

Be it further enacted, That if the whole Sum which shall be due and which shall be recovered on or before the first Day of *December* 1751, on the several Assessments aforesaid, and from the several Directors for what is by this Act declared to be due from them, shall not be sufficient to exchange the whole of the Bills of said Company that are now outstanding, and to pay the Charges that have arisen or may arise therein, then and in such Case the Commissioners aforesaid be and hereby are impowred and required to make a further Assessment on Directors and Partners

Partners in Proportion to the Sum which shall appear to the Satisfaction of the Commissioners to have been originally received or taken out by each Person, saving only that each Director shall be assessed in Proportion as if he had received or taken out *two Hundred and fifty Pounds*, altho' the certain Sum by such Director received or taken out shall not appear: And said Commissioners shall cause such Assessment to be published in the *Boston Gazette* or *Weekly Journal*, and each of the Persons who may be so assessed and their Estates shall be held and are hereby declared to be liable and obliged to the Payment of the respective Sums on them assessed in like Manner as those Directors and Partners who have not paid the former Assessments, are by this Act declared to be liable and obliged to the Payment thereof: And if either of the Directors or Partners so assessed or their Executors or Administrators shall not within sixty Days after the Publication of such Assessment, pay to said Commissioners the Sum on such Director or Partner assess'd, the said Commissioners are hereby required and impowred, unless such Assessment shall be set aside or disannulled by the General Court, forthwith to issue their Warrants of Distress against the Persons or Estates of each surviving Director and Partner, and the Estates of each Director and Partner deceased respectively; which Warrants shall be in the Form before prescribed by this Act: And all Sheriffs, Under-Sheriffs and their Deputies, and where they are interested, all Coroners are impowred and required to execute such Warrants in like Manner, and observe the same Rules as prescribed for the executing Warrants for any of the former Assessments mentioned in this Act.

Assessments to be published.

Warrants to be issued on such Assessments.

Preamble.

And whereas in and by the aforerecited Act Intitled An Act for the more speedy finishing the *Land-Bank* or *Manufactory Scheme, it is enacted in the Words following*; "*That from and after the Publication of this Act* "*the Estate of each and every such Director and Partner shall be thereby* "*bound and subjected to the Payment of such Sum or Sums of Money as* "*shall be assessed upon him by the said Commissioners or any two of them,* "*with the Approbation and Allowance of the Great and General Court of* "*this Province (as is herein after mentioned) for the Redemption of their* "*respective Proportions of the Bills of the said late Company, and their equi-*"*table Part and Share of all Losses and Charges arising by the said* "*Scheme, in such Manner as the same would be bound and subjected by* "*the actual Service of Process of Attachment upon it at the Suit of any* "*Creditor according to the ordinary Course of the Law and the Usage within* "*this Province*:

Real Estates subjected to satisfy the same.

Be it further enacted, That all and every Part of the Lands and Tenements of each and every Director and Partner which were bound and subjected by the said last recited Clause, in whose Possession soever the same now is or hereafter may be, be and hereby is declared to continue to be held subjected and liable to the Payment or Discharge of the Sums declared by this Act respectively to be due from or required to be assessed upon such Director and Partner, as well those who shall be deceased as those who shall have survived, and shall be liable to be taken by Distress, as if then in the actual Possession of such Director or Partner.

Notice to be given by Commissioners of their redeeming the Land Bank Notes.

And be it further enacted, That as soon as the Commissioners shall have received a sufficient Sum in their Judgment to redeem the *Land Bank* Bills, so called, which may be outstanding, they shall give publick Notice thereof in all the Weekly News-Papers published in the Town of *Boston* three Weeks successively, of the Time or Times and Place or Places in said Town when and where they will attend to redeem said Bills, which publick Notice hereby is made and declared to be a legal Tender to all and every Possessor and Possessors of said Bills.

CHAP

CHAP. VI.

An Act in further Addition to an Act, made and pass'd in the twenty-second Year of his present Majesty's Reign, Intitled, *An Act for drawing in the Bills of Credit of the several Denominations which have at any Time been issued by the Government and are still outstanding, and for ascertaining the Rate of coined Silver in this Province for the future.*

Preambl.

WHEREAS, *notwithstanding the Provision made for enforcing the Payment of the publick Taxes into the Treasury, many of the Constables and Collectors of the Towns within this Province, have neglected or delayed to pay in the Sums committed to them to collect, and other unforeseen Accidents have happened, by Means whereof a larger Sum in Bills of Credit is now outstanding, than there is Silver in the Treasury sufficient to redeem or exchange, and the Possessors of said Bills will be injured, unless relieved by the Government, and the Paper Currency of the Province cannot be brought to a full Period by the Time proposed; In order therefore that the Possessors of the Bills which still remain outstanding, and the Possessors of the Orders given by the Committee of the General Court for Bills brought in and burnt, may have Justice done them;*

Possessors of the Bills entitled to one Eighth in Silver.

Be it enacted by the Lieutenant Governour, Council and House of Representatives, That the Possessors of the Bills of Credit of this Province, which are now outstanding, who shall bring in the same by the third of *June* next, shall be entitled to the immediate Exchange of one Eighth Part thereof in Silver, at the like Rate with those which have been redeemed or exchanged already; and the remaining sevenEighths shall be redeemed or exchanged withSilver at the like Rate, on or before the thirty firstDay of *December*,One Thousand seven Hundred and fifty one, with theAddition of aPremium of *One per Cent.* andInterest from the thirty firstDay of *March* last,until paid, at theRate of *Six per Cent.*perYear: And each and every of theOrders which shall have been given before the thirty first of *March*, One Thousand seven Hundred and fifty one,by theCommittee aforesaid,shall be redeemed and paid off with Silver at the same Time, and at the like Rate,with Interest as aforesaid, from the Date of said Order, until paid.

The Remainder to be paid by the 31st of *Decemb.* 1751.

Interest to be allowed.

And be it further enacted, That theCommittee appointed by the General Court, for receiving from the Possessors the Bills of Credit of this Province, may and shall continue to sit until theThird Day of *June* next, and no longer; and whensoever any of the said Possessors shall bring any of the said Bills to the Committee, such Possessor shall receive,therefor two Orders for every Sum, each Order to be signed by Three of the Committee at least, *viz.* one for one eighth Part of the principal Sum, which the Treasurer shall cause immediately to be discharged and paid out of the Silver now remaining in the Treasury, or that may hereafter be bro't in forTaxes,and the other for seven eighths of said Sum, which Order shall be accepted by the Treasurer, and shall be in the Form following, *viz.*

Committeefor exchanging the Bills to sit 'till *June* 3d 1751.

To give two Orders for each Sum receiv'd.

To the Treasurer of the Province of the Massachusetts-Bay,

S I R,

Form of the Order for SevenEighths.

PAY to *A. B.* or Bearer in Lawful Silver Money at *six Shillings and eight Pence* per Ounce, or *Spanish* mill'd Dollars at *six Shillings* a Piece, by the Thirty-first of *December* next, with a Premium of one per Cent. and lawful Interest for said Sum from Thirty-first *March* past, 'till paid, being for in Bills of Credit this Province, of the old Tenor, received of the said *A. B.* this Day of 1751.

Which may be received by the Collectors of Taxes.

And be it further enacted, That the Orders given as aforesaid, shall and may be received by the several Constables and Collectors for all Taxes that are already due, accounting the principal Sum only, without any Allowance for Interest or Premium, and the Treasurer shall receive them from, and give Discharge to the said Collector or Constables accordingly. And in Case any of the said Orders shall remain outstanding after the Warrants for the Tax for *eighteen Thousand four Hundred Pounds*, Lawful Money, conditionally engaged to be assessed in the Year *one Thousand sevenHundred and fifty-one* shall go forth, said Orders shall be received in Discharge of said Tax, accounting both the principal Sum, Interest and Premium due on said Orders; provided the same be paid before the thirty-first of *December* next.

Committee to transmit Lists of their Orders to the Treasurer.

And be it further enacted, That the Committee of the General Court shall from Day to Day, transmit to the Province Treasurer, an exact List of all the Orders by them given, and such Persons as shall first bring their Bills to be exchanged, and shall first take Orders therefor, shall be entitled to have such Orders first paid off and discharged; and immediately upon the Treasurer's being possessed of a Sum not less than *Three Thousand Pounds*, Lawful Money in Silver, he shall give publick Notice in all the News Papers, that so as many of the first dated Orders as shall amount to the Sum of *Three Thousand Pounds*, may then be paid off and discharged; and the like publick Notice shall be given from Time to Time, when and so often as there shall be a Stock of *Three Thousand Pounds* for the Purpose aforesaid: And if any Orders shall not be tendered within thirtyDays after such publick Notice given, the Interest and also the Premium which would be otherwise due on such Orders, shall then determine and cease.

Publick Notice to be given when the Treasury is in Cash.

BOSTON: Printed and Sold by S. Kneeland and T. Green, by Order of His Honour the Lieutenant-Governour, Council & House of Representatives. 1751.

Acts and Laws

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*: Begun and Held at *Boston* upon Wednesday the twenty-ninth Day of *May*, 1751.

CHAP. I.

An Act to enable and impower the Inhabitants of new Plantations within this Province enjoined and subjected by Law, or that may hereafter be enjoined and subjected to pay Province and County Taxes, to assess, levy and collect the same.

WHEREAS there are sundry new Plantations within this Province by Law enjoined to pay Province and County Taxes, that are not impowered to choose the proper Officers to assess levy and collect the said Taxes: Preamble

Be it enacted by the Lieutenant Governour, Council and House of Representatives, That the Freeholders of every such new Plantation be and are hereby impowred and required to assemble together on the first Monday of *August* next, at the usual Places for holding their publick Meetings, and being so assembled shall choose a Moderator and Clerk for said Meeting; which Clerk shall be immediately sworn truly to enter and record all such Votes as shall be passed at said Meeting, by a Justice of the Peace if any be present; otherwise by the Moderator of said Meeting: And shall then proceed to choose three Assessors to make a Valuation of Estates and Faculties of Persons in such Plantations, agreable to Law, and to assess such Province and County Taxes as are or shall be set on the Inhabitants of such new Plantation Freeholders of new Plantations to have a Meeting in *August* next to chuse Officers.

tation, to be paid this or any former Year; as also a Collector to levy and collect the same, which Assessors and Collectors shall be sworn to the faithful Discharge of the Duty of their respective Offices before a Justice of the Peace for the County within which such new Plantation lies, if present, otherwise by the Clerk for said Meeting.

Inhabitants of New Plantations to meet in *March* annually.

And be it further enacted, That the Inhabitants of the above-said Plantations, qualified as by Law is required of Voters in Town Affairs, are hereby impowred and enjoined sometime in the Month of *March* annually to assemble together (upon due Notice given by the Collector or Collectors then in Office, pursuant to Warrant under the Hands of the Assessors or the major Part of them who shall have been last chosen, and who are hereby impowred and required to issue such Warrant) at such Time and Place as shall be by said Assessors appointed; and shall then and there choose a Clerk for said Meeting, who shall be sworn in Manner as is before prescribed for the Swearing the Clerk for the first Meeting, and three Assessors, and one or more Collectors to assess and levy such Province and County Taxes on said Inhabitants, as they shall from Time to Time be enjoined by Law to pay; and said Assessors and Collectors, as well those that shall be chosen on the said first Monday of *August*, as those who shall by Virtue of this Act be hereafter annually chosen in said new Plantations, shall be liable to all such Penalties (in Case they or any of them shall refuse to be sworn and serve in said Offices, or in Case of any Default therein) as the Assessors of Province and County Taxes for Towns are by Law liable, or may be subjected to; and said Assessors are hereby impowered and required to make out such Warrants *(mutatis mutandis)* as Assessors of County Taxes for Towns are by Law impowered to make out, and to direct the same to said Collector or Collectors; and the said Collector or Collectors are hereby impowered to levy, collect and enforce the Payment of all the aforesaid Taxes in all such Ways, and by all such Means as Constables and Collectors of Province and County Taxes are by Law impowered to do of the Inhabitants of the Towns within this Province.

Duty of Assessors and Collectors of Taxes.

Duty of the Clerks.

And the Clerk at said annual Meeting shall immediately on the Election of said Assessors and Collectors, make and give out to the Collector or Collectors for the then last preceeding Year, a List of the Names of those Persons who shall be chosen Assessors and Collectors at said Meeting for the ensuing Year, which Collector or Collectors shall forthwith thereupon summon each of said Assessors and Collectors for the then ensuing Year, to appear at a certain Time and Place, within the Space of seven Days from the Time of their Election, before a Justice of the Peace, if any dwell in such new Plantation, or otherwise before the Clerk chosen at said Meeting, to take the Oath (*mutatis mutandis*) which Assessors and Collectors of publick Taxes for Towns are by Law enjoined to take, which Oath said Clerk in such Case is hereby impowered to administer.

And to the Intent that the Inhabitants of said new Plantations may have due Notice and Warning given them of the Meeting, which they are before in this Act impowered and required to hold on the first Monday of August *next, and of the Ends and Purposes thereof:*

Clerk of the Peace in the County to notify the Meeting in *August* next.

Be it enacted, That each Clerk of the Court of General Sessions of the Peace for the several Counties within this Province wherein any of the aforesaid new Plantations lie, shall in some convenient Time before the said first Monday of *August* next, make and cause to be delivered a Warrant under his Hand directed to some principal Inhabitant in each of said new Plantations within their respective Counties, therein expressing

expressing the Time, Place and Purposes for holding said Meetings, and requiring such Inhabitants to notify all the Inhabitants of said new Plantation (qualified as in this Act is provided) of said Meeting, and the Time, Place and Purposes thereof, three Days at the least before the Time set in this Act for holding the same; which Warrant the Inhabitant to whom said Warrant shall be directed, is hereby enjoined and required to execute, and make Return of under his Hand into said Meeting, under the Penalty of *forty Shillings*, to be recovered by Complaint, Information or Action of Debt, before any of His Majesty's Justices of the Peace for the County wherein said Inhabitant (making Default in the Premisses shall dwell;) said *forty Shillings* to be for the Use and Benefit of the Person or Persons who shall inform or sue for the same.

CHAP. II.

An Act in Addition to an Act made and passed in the first Year of the Reign of his Majesty King *George* the first, Intitled *An Act for building and maintaining a* Light-House *upon the* Great Brewster (*called* Beacon-Island) *at the Entrance of the Harbour of* Boston.

Preamble.

Whereas the Light-House *at the Entrance of the Harbour of* Boston *hath been greatly damaged by Fire; and it hath been ordered by this Court that it should be repaired; and it being reasonable that the Charge of such Repairs should be born by those who receive the immediate Benefit thereof:*

New Duty for the Light-House.

Be it therefore enacted by the Lieutenant Governour, Council and House of Representatives, That the Commissioner of Impost be and hereby is directed by himself and his several Deputies, to demand and receive of the Master of every Vessel (which within the Space of two Years from the Publication of this Act shall Clear out from any Port within this Province, being bound to any Port without this Province) over and above what is already by Law provided, the following Rates at each Time of Clearance; *viz.* For every Vessel of less than one Hundred Tons, *two Shillings*; for every Vessel of above one Hundred Tons, and not exceeding two Hundred Tons, *three Shillings*; and for every Vessel of above two Hundred Tons, *four Shillings*: The Tonnage to be computed according to what such Vessels may Measure in Carpenter's Tonnage, and not according to the Register of such Vessel: And the said Commissioner of Impost shall once in every Quarter of the Year pay such Sums as he or his Deputies shall receive for the aforesaid Duties, to the Province Treasurer, to be applied to the Uses aforesaid.

CHAP.

CHAP. III.

An Act for altering the Time appointed for holding the Court of General Sessions of the Peace and Inferiour Court of Common Pleas at *Concord* within and for the County of *Middlesex*.

Preamble. WHEREAS *the Time appointed by Law for holding the Court of General Sessions of the Peace and Inferiour Court of Common Pleas at* Concord, *within and for the County of* Middlesex, *is found to be inconvenient:*

Time for holding the Courts at *Concord* altered. **Be it therefore enacted by the Lieutenant Governour, Council and House of Representatives,** That the Time for holding the said Court of General Sessions of the Peace and Inferiour Court of Common Pleas at *Concord* for the County of *Middlesex*, shall henceforth be on the first Tuesday of *September* annually; and all Officers and other Persons concerned, are required to conform themselves accordingly.

Processes to remain good. **And be it further enacted,** That all Writs, Suits, Plaints, Processes, Appeals, Reviews, Recognizances, Warrants, or other Matters or Things whatsoever which now are, or at any Time before the said first Tuesday of *September* shall be issued, taken or depending in the said County of *Middlesex*, which were to have been returned or proceeded on at the Time heretofore appointed by Law for holding the said Courts at *Concord*, shall be valid and stand good to all Intents and Purposes in the Law, and shall be returned and proceeded on at the Time appointed by this Act for holding the same.

CHAP. IV.

An Act for altering the Time for holding the Court of General Sessions of the Peace and the Inferiour Court of Common Pleas for the County of *Nantucket*.

Preamble. WHEREAS *the Time by Law appointed for holding the Court of General Sessions of the Peace, and Inferiour Court of Common Pleas for the County of* Nantucket, *on the last Tuesday of* March *annually, is found on divers Accounts inconvenient:*

Time for holding *Nantucket* Courts altered. **Be it therefore enacted by the Lieutenant Governour, Council and House of Representatives.** That the said Court of General Sessions of the Peace, and Inferiour Court of Common Pleas appointed to be holden for the County of *Nantucket* upon the last Tuesday of *March*, shall hereafter be holden and kept upon the first Tuesday of *March* annually.

BOSTON: Printed and Sold by S. Kneeland and T. Green, by Order of His Honour the Lieutenant-Governour, Council & House of Representatives, 1751.

At the Parliament begun and holden at *Westminster*, the Tenth Day of *November*, *Anno Dom.* 1747, in the Twenty first Year of the Reign of our Sovereign Lord *GEORGE* the Second, by the Grace of God, of *Great Britain*, *France* and *Ireland*, King, Defender of the Faith, &c.

And from thence continued by several Prorogations to the Seventeenth Day of *January*, 1750, being the Fourth Session of this present Parliament.

An Act for Regulating the Commencement of the Year; and for Correcting the Calender now in Use.

WHEREAS the legal Supputation of the Year of our Lord in that Part of *Great-Britain* called *England*, according to which the Year beginneth on the Twenty fifth Day of *March*, hath been found by Experience to be attended with divers Inconveniencies, not only as it differs from the Usage of neighbouring Nations, but also from the legal Method of Computation in that Part of *Great-Britain* called *Scotland*, and from the common Usage throughout the whole Kingdom, and thereby frequent Mistakes are occasioned in the Dates of Deeds, and other Writings, and Disputes arise therefrom: And whereas the Calender now in use throughout all his Majesty's *British* Dominions, commonly called, *The Julian Calender*, hath been discovered to be erroneous, by Means whereof the Vernal or Spring Equinox, which at the Time of the General Council of *Nice*, in the Year of our Lord Three Hundred and twenty-five, happened on or about the Twenty-first Day of *March*, now happens on the Ninth or Tenth Day of the same Month; and the said Error is still increasing, and if not remedied, would, in Process of Time, occasion the several Equinoxes and Solstices to fall at very different Times in the Civil Year from what they formerly did, which might tend to mislead Persons ignorant of the said Alteration: And whereas a Method of correcting the Callender in such Manner as that the Equinoxes and Solstices may for the future fall nearly on the same nominal Days, on which the same happened at the Time of the said General Council, hath been received and established, and is now generally practised by almost all other Nations of *Europe*: And whereas it Preamble.

will be of general Convenience to Merchants, and other Persons corresponding with other Nations and Countries, and tend to prevent Mistakes and Disputes in or concerning the Dates of Letters and Accounts, if the like Correction be received and established in his Majesty's Dominions: May it therefore please your Majesty, that it may be enacted: *And be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lord's Spiritual and Temporal and Commons, in this present Parliament assembled, and by the Authority of the same,* That in and throughout all his Majesty's Dominions and Countries in *Europe*, *Asia*, *Africa*, and *America*, belonging or subject to the Crown of *Great-Britain*, the said Supputation, according to which the Year of our Lord beginneth on the Twenty-fifth Day of *March*, shall not be made Use of from and after the last Day of *December*, One Thousand seven Hundred and Fifty-one; and that the first Day of *January*, next following the said last Day of *December*, shall be reckoned, taken, deemed, and accounted, to be the first Day of the Year of our Lord One Thousand seven Hundred and fifty-two; and the first Day of *January*, which shall happen next after the said first Day of *January* One Thousand seven Hundred and fifty-two, shall be reckoned, taken, deemed, and accounted, to be the first Day of the Year of our Lord One Thousand seven Hundred and fifty-three, and so on from Time to Time, the first Day of *January*, in every Year which shall happen in Time to come, shall be reckoned, taken, deemed and accounted, to be the first Day of the Year; and that each new Year shall accordingly commence, and begin to be reckoned, from the first Day of every such Month of *January*, next preceeding the Twenty-fifth Day of *March*, on which such Year would, according to the present Supputation have begun or commenced; And that from and after the said first Day of *January*, One Thousand seven Hundred and fifty two, the several Days of each Month shall go on, and be reckoned and numbred, in the same Order; and the Feast of *Easter*, and other moveable Feasts thereon depending, shall be ascertained according to the same Method, as they now are, until the second Day of *September*, in the said Year One Thousand seven Hundred and fifty-two inclusive; and that the natural Day next immediately following the said second Day of *September*, shall be called, reckoned, and accounted, to be the fourteenth Day of *September*, omitting for that Time only the Eleven intermediate nominal Days of the common Calendar; and that the several natural Days, which shall follow and succeed next after the said fourteenth Day of *September*, shall be respectively called, reckoned and numbred forwards in numerical Order from the said fourteenth Day of *September*, according to the Order and Succession of Days now used in the present Calendar: And that all Acts, Deeds, Writings, Notes, and other Instruments of what Nature or Kind soever, whether Ecclesiastical or Civil, publick or private, which shall be made, executed, or signed, upon or after the said first Day of *January*, One Thousand seven Hundred and fifty-two, shall bear Date according to the said new Method of Supputation; and that the Two fixed Terms of Saint *Hilary* and Saint *Michael*, in that Part of *Great-Britain* called *England*, and the Courts of great Sessions, in the Counties *Palatine*, and in *Wales*, and also the Courts of General Quarter Sessions, and General Sessions of the Peace, and all other Courts of what Nature or Kind soever, whether Civil, Criminal or Ecclesiastical, and all Meetings and Assemblies, of any Bodies Politick, or Corporate, either for the Election of any Officers or Members thereof, or for any such Officers entering upon the Execution of their respective Offices, or for any other Purpose whatsoever, which by any Law, Statute, Charter, Custom or Usage, within this Kingdom, or within any other the Dominions or Countries subject or belonging to the Crown of *Great-Britain*, are to be holden and kept on any fixed or certain Day of any Month, or on any Day depending upon the Beginning, or any certain Day, of any Month (except such Courts as are usually holden or kept with any Fairs or Marts) shall, from Time to Time, from and after the said second Day of *September*, be holden and kept upon or according to the same respective nominal Days and Times, whereon or according

The old Supputation of the Year, not to be made use of after *Dec.* 1751

Year to commence, for the future, on 1 *Jan.*

The Days to be numbered in the same Order, and the Moveable Feasts to be ascertained, as they now are, until 2 *Sept.* 1752 inclusive; and the Day followed to be accounted 14 *Sept.* omitting for that Time the intermediate 11 Nominal Days

All Writings after 1 *Jan.* 1752, to be dated according to the New Stile.

Hilary and *Michaelmas* Terms, and all Courts, to be held on the same Nominal Days and Times they now are, after the said 2 *Sept.*

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ing to which the same are now to be holden, but which shall be computed according to the said new Method of numbering and reckoning the Days of the Calendar as aforesaid; that is to say, Eleven Days sooner than the respective Days whereon the same are now holden and kept: Any Law, Statute, Charter, Custom or Usage to the contrary thereof in any wise notwithstanding.

Courts held with Fairs or Marts excepted.

And for the continuing and preserving the Calendar or Method of Reckoning and computing the Days of the Year in the same regular Course, as near as may be, in all Times coming; *Be it further enacted by the Authority aforesaid*, That the several Years of our Lord, One Thousand eight Hundred, One Thousand nine Hundred, Two Thousand one Hundred, Two Thousand two Hundred, Two Thousand three Hundred, or any other Hundredth Years of our Lord, which shall happen in Time to come, except only every Fourth hundredth Year of our Lord, whereof the Year of our Lord Two thousand shall be the First, shall not be esteemed or taken to be Bissextile or Leap Years, but shall be taken to be Common Years, consisting of Three hundred and sixty five Days, and no more; and that the Years of our Lord, Two thousand, Two thousand four Hundred, Two thousand eight Hundred, and every other Fourth hundred Year of our Lord, from the said Year of our Lord Two thousand inclusive, and also all other Years of our Lord, which by the present Supputation are esteemed to be Bissextile or Leap Years, shall for the future, and in all Times to come, be esteemed and taken to be Bissextile or Leap Years, consisting of Three hundred and sixty six Days, in the same Sort and Manner as is now used with respect to every Fourth Year of our Lord.

Hundredth Years, except every Fourth Hundred, to be deemed Common Years consisting of 365 Days.

Years which are to be accounted Bissextile or Leap Years, consisting of 366 Days.

And whereas according to the Rule prefixed to the Book of Common Prayer of the Church of *England*, *Easter-day* is always the First *Sunday* after the First Full Moon which happens next after the One and twentieth Day of *March*, and if the Full Moon happens upon a *Sunday*, *Easter-day* is the *Sunday* after; which Rule was made in Conformity to the Decree of the said General Council of *Nice*, for the Celebration of the said Feast of *Easter*: And whereas the Method of computing the Full Moons now used in the Church of *England*, and according to which the Table to find *Easter* for ever, prefixed to the said Book of Common Prayer, is formed, is by Process of Time become considerably erroneous: And whereas a Calendar, and also certain Tables and Rules for the fixing the true Time of the Celebration of the said Feast of *Easter*, and the finding the Times of the Full Moons on which the same dependeth, so as the same shall agree as nearly as may be with the Decree of the said General Council, and also with the Practice of Foreign Countries, have been prepared, and are hereunto annexed; *Be it therefore further enacted by the Authority aforesaid*, That the said Feast of *Easter*, or any of the Moveable Feasts thereon depending, shall, from and after the said Second Day of *September*, be no longer kept or observed in that Part of *Great-Britain* called *England*, or in any other the Dominions or Countries subject or belonging to the Crown of *Great-Britain*, according to the said Method of Supputation now used, or the said Table prefixed to the said Book of Common Prayer; and that the said Table, and also the Column of Golden Numbers, as they are now prefixed to the respective Days of the Month in the said Calendar, shall be left out in all future Editions of the said Book of Common Prayer; and that the said New Calendar, Tables, and Rules, hereunto annexed, shall be prefixed to all such future Editions of the said Book, in the Room and Stead thereof; and that from and after the said Second Day of *September*, all and every the fixed Feast-days, Holy-days, and Fast-days, which are now kept and observed by the Church of *England*, and also the several solemn Days of Thanksgiving, and of Fasting and Humiliation, which by virtue of any Act of Parliament now in Being, are from Time to Time, to be kept and observed, shall be kept and observed on the respective Days marked for the Celebration of the same in the said New Calendar; that

Easter and the other Moveable Feasts, not to be observed, after the said 2 *Sept.* according to the Table now prefixed to the Book of Common Prayer:

and the said Table, and Column of the Golden Numbers, to be left out in all future Editions of that Book, and the New Calendar, Tables, and Rules, to be prefixed, in the Room thereof.

The Feasts and Fasts, &c. of the Church to be observed after the said 2 *September*, according to the New Calendar.

that is to say, On the same respective Nominal Days on which the same are now kept and observed; but which according to the Alteration by this Act intended to be made, as aforesaid, will happen Eleven Days sooner than the same now do; and that the said Feast of *Easter*, and all other Moveable Feasts thereon depending, shall, from Time to Time, be observed and celebrated according to the said New Calendar, Tables, and Rules, hereunto annexed, in that Part of *Great-Britain* called *England*, and in all the Dominions and Countries aforesaid, wherein the Liturgy of the Church of *England* now is, or hereafter shall be used; and that the Two Moveable Terms of *Easter* and *Trinity*, and all Courts of what Nature or Kind soever, and all Meetings and Assemblies of any Bodies Politick or Corporate, and all Markets, Fairs, and Marts, and Courts thereunto belonging, which by any Law, Statute, Charter, Custom, or Usage, are appointed, used, or accustomed to be holden and kept at any Moveable Time or Times depending upon the Time of *Easter*, or any other such Moveable Feast, as aforesaid, shall, from Time to Time, from and after the said Second Day of *September*, be holden and kept on such Days and Times whereon the same shall respectively happen or fall, according to the happening or falling of the said Feast of *Easter*, or such other Moveable Feasts, as aforesaid, to be computed according to the said New Calendar, Tables and Rules. *And be it further enacted by the Authority aforesaid*, That the several Meetings of the Court of Session, and Terms fixed for the Court of *Exchequer* in *Scotland*, the *April* Meeting of the Governor, Bailiffs and Commonalty of the Company of Conservators of the great Level of the Fens, and the holding and keeping of all Markets, Fairs, and Marts, whether for the Sale of Goods or Cattle, or for the hiring of Servants, or for any other Purpose, which are either fixed to certain Nominal Days of the Month, or depending upon the Beginning, or any certain Day, of any Month, and all Courts incident or belonging to, or usually holden or kept with any such Fairs or Marts, fixed to such certain Times as aforesaid, shall not, from and after the said Second Day of *September*, be continued upon, or according to the Nominal Days of the Month, or the Time of the Beginning of any Month, to be computed according to the said New Calendar, but that from and after the said Second Day of *September*, the said Courts of Session and Exchequer, the said *April* Meeting, and all such Markets, Fairs, and Marts as aforesaid, and all Courts incident or belonging thereto, shall be holden and kept upon, or according to the same Natural Days, upon, or according to which the same should have been so kept or holden, in Case this Act had not been made; that is to say, Eleven Days later than the same would have happened, according to the Nominal Days of the said New Supputation of Time, by which the Commencement of each Month, and the Nominal Days thereof, are anticipated or brought forward, by the Space of Eleven Days; any Thing in this Act contained to the contrary thereof in any wise notwithstanding.

Courts of Session and *Exchequer* in *Scotland*, and Markets, Fairs and Marts, to be held upon the same Natural Days they should have been holden on, if this Act had not been made

And whereas, according to divers Customs, Prescriptions, and Usages, in certain Places within this Kingdom, certain Lands and Grounds are, on particular Nominal Days and Times in the Year, to be opened for Common of Pasture, and other Purposes; and at other Times, the Owners and Occupiers of such Lands and Grounds have a Right to inclose or shut up the same, for their own private Use; and there is, in many other Instances, a temporary and distinct Property and Right vested in different Persons, in and to many such Lands and Grounds, according to certain Nominal Days and Times in the Year: And whereas the anticipating or bringing forward the said Nominal Days and Times, by the Space of Eleven Days, according to the said New Method of Supputation, might be attended with many Inconveniencies; *Be it therefore further declared, provided, and enacted by the Authority aforesaid*, That nothing in this Act contained shall extend, or be construed to extend, to accelerate or anticipate the Days or Times for the opening, inclosing, or shutting up any such Lands or Grounds as aforesaid,

The Natural Days and Times for the opening and inclosing of Commons of Pasture, not altered by this Act.

or

or the Days or Times on which any such temporary or distinct Property or Right in or to any such Lands or Grounds as aforesaid is to commence; but that all such Lands and Grounds as aforesaid shall, from and after the said Second Day of *September*, be, from Time to Time, respectively opened, inclosed or shut up, and such temporary and distinct Property and Right in and to such Lands and Grounds as aforesaid, shall commence and begin upon the same Natural Days and Times on which the same should have been so respectively opened, inclosed, or shut up, or would have commenced or begun, in Case this Act had not been made; that is to say, Eleven Days later than the same would have happened, according to the said New Account and Supputation of Time, so to begin on the said Fourteenth Day of *September*, as aforesaid.

The Natural Days and Times of Payment of Rents, Annuities, Sums of Money, or Interest,

Provided also, and it is hereby further declared and enacted, That nothing in this present Act contained shall extend, or be construed to extend, to accelerate or anticipate the Time of Payment of any Rent or Rents, Annuity or Annuities, or Sum or Sums of Money whatsoever, which shall become payable by Vertue or in Consequence of any Custom, Usage, Lease, Deed, Writing, Bond, Note, Contract, or other Agreement whatsoever, now subsisting, or which shall be made, signed, sealed, or entered into, at any Time before the said Fourteenth Day of *September*, or which shall become payable by Vertue of an Act or Acts of Parliament now in Force, or which shall be made before the said Fourteenth Day of *September*, or the Time of doing any Matter or Thing directed or required by any such Act or Acts of Parliament to be done in Relation thereto; or to accelerate the Payment of, or increase the Interest of, any such Sum of Money which shall become payable as aforesaid; or to accelerate the Time of the Delivery of any Goods, Chattels, Wares, Merchandize, or other Things whatsoever; or the Time of the Commencement, Expiration, or Determination of any Lease or Demise of any Lands, Tenements, or Hereditaments, or of any other Contract or Agreement whatsoever; or of the accepting, surrendering, or delivering up the Possession of any such Lands, Tenements, or Hereditaments; or the Commencement, Expiration, or Determination of any Annuity or Rent; or of any Grant for any Term of Years, of what Nature or Kind soever, by Vertue or in Consequence of any such Deed, Writing, Contract, or Agreement; or the Time of the attaining the Age of One and twenty Years, or any other Age requisite by any Law, Custom, or Usage, Deed, Will, or Writing whatsoever, for the doing any Act, or for any other Purpose whatsoever, by any Person or Persons now born, or who shall be born before the said Fourteenth Day of *September*, or the Time of the Expiration or Determination of any Apprenticeship, or other Service, by Virtue of any Indenture, or of any Articles under Seal, or by Reason of any simple Contract or Hiring whatsoever; but that all and every such Rent and Rents, Annuity and Annuities, Sum and Sums of Money, and the Interest thereof, shall remain and continue to be due and payable; and the Delivery of such Goods and Chattels, Wares and Merchandize, shall be made; and the said Leases and Demises of all such Lands, Tenements, and Hereditaments, and the said Contracts and Agreements, shall be deemed to commence, expire, and determine; and the said Lands, Tenements, and Hereditaments, shall be accepted, surrendered, and delivered up; and the said Rents and Annuities, and Grants for any Term of Years, shall commence, cease, and determine, at and upon the same respective Natural Days and Times, as the same should and ought to have been payable or made, or would have happened, in Case this Act had not been made; and that no further or other Sum shall be paid or payable for the Interest of any Sum of Money whatsoever, than such Interest shall amount unto, for the true Number of Natural Days for which the principal Sum bearing such Interest shall continue due and unpaid; and that no Person or Persons whatsoever shall be deemed or taken to have

or of the Delivery of Goods,

Commencement or Expiration of Leases, &c.

or of attaining the Age of 21 Years, &c. not altered by this Act.

attained the said Age of One and twenty Years, or any other such Age, as aforesaid, or to have completed the Time of any such Service, as aforesaid, until the full Number of Years and Days shall be elapsed on which such Person or Persons respectively would have attained such Age, or would have completed the Time of such Service, as aforesaid, in Case this Act had not been made; any Thing herein before contained to the contrary thereof in any wise notwithstanding.

BOSTON: Printed and Sold by S. Kneeland and T. Green, by Order of His Honour the Lieutenant Governour, Council and House of Representatives. 1751.

Acts and Laws,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*: Begun and Held at *Boston* upon Wednesday the twenty-ninth Day of *May* 1751, and continued by Prorogations to Friday the twenty-seventh Day of *December* following.

CHAP. VI.

An Act in addition to an Act made and passed in the thirteenth Year of King *William* the Third, intitled, *An Act providing in Case of Sickness.*

Cloathingand other Goods suspected to be infected to be liable to be stop'd and secured.

BE it enacted by the Lieutenant Governour, Council and House of Representatives, That when and as often as there shall be brought into any Town within this Province, whether it shall be from any other Town within the Province, or from Parts without the Province, any Baggage, Cloathing or Goods of any Kind soever, and it shall be made to appear by the Select-Men of the Town (or major Part of them) to which such Baggage, Cloathing or other Goods shall be brought to the Satisfaction of any one of his Majesty's Justices of the Peace, that there is just Cause to suspect such Baggage, Cloathing or other Goods to be infected with the Plague, Small-Pox, Pestilential Fever, or other malignant contagious Distemper, it shall and may be lawful for such Justice of the Peace, and he is hereby required in such Case by Warrant under his Hand and Seal directed to the Sheriff or his Deputy or any Constable of the Town in which such Baggage, Cloathing or other Goods shall be, requiring him to impress so many Men as said Justice shall judge necessary to secure such Baggage, Cloathing or other Goods to be secured, and said Men to set and post as a Guard and Watch over the House or Houses or other Place or Places where such Baggage, Cloathing or other Goods shall be lodged; which Guard and Watch are hereby required to take effectual Care to prevent such Baggage, Cloathing or other Goods being removed or intermedled with by any Persons whatever, until due Inquiry be made into the Circumstances thereof; and in Case it shall appear to the said Justice highly probable that such Baggage, Cloathing or other Goods are infected with the Plague, Small Pox, Pestilential Fever, or other malignant contagious Distemper, said Justice is hereby impowered and directed to issue a Warrant under

Manner of proceding therein.

his Hand and Seal directed to the Sheriff or his Deputy or the Constable of the Town where such Goods, Cloathing or Baggage shall be, requiring said Sheriff, Deputy or Constable to remove said Baggage Cloathing or other Goods, to some convenient House or Place from whence there shall be the least Danger of the Infection's Spreading, or being conveyed, there to remain until such Baggage, Cloathing or other Goods shall be sufficiently aired, and until it shall appear to the Satisfaction of the Select-Men of the Town where such Baggage, Cloathing or other Goods shall be, that they be free from all Infection; and said Sheriff, Deputy Sheriff or Constable in the Execution of said Warrant, are impowred and directed if need be, to break up any House, Warehouse, Shop or other Place or Places (particularly mentioned in such Warrant) where such Baggage, Cloathing or other Goods shall be; and in Case of Opposition or Resistance, to require such Aid and Assistance as shall be necessary to effect the Removal of such Baggage, Cloathing or other Goods, and repel the Force and Resistance which shall or may be made thereto: And all Persons are hereby required at the Commandment of either of the said Officers having such Warrant (under the Penalty of *forty Shillings* to be recovered before the Justice granting the same) to assist said Officer in the removing said Baggage, Cloathing or other Goods, unless they make an Excuse to the Satisfaction of such Justice; and the Charges of securing such Baggage, Cloathing and other Goods, transporting and airing the same shall be born and paid by the Owners thereof, at such Rates and Prizes as shall be set and appointed by the Select-Men of the Town, where such Baggage, Cloathing or other Goods shall be, and in Case of Refusal, to be recovered by Suit at Law by all and every Person and Persons concerned and employed in and about the Business of securing, removing and airing said Baggage, Cloathing or other Goods.

Penalty for not assisting the Officer.

Charges to be born by the Owner of the Goods &c.

And be it further enacted, That if Need so require, any Justice of the Peace may, and is hereby impowred on Application to him made by the Select-Men of the Town in which such infected Baggage, Cloathing or other Goods shall be, to make out a Warrant to the Sheriff of the County or his Deputy or Constable of the Town where such Baggage, Cloathing or other Goods shall be, requiring said Officer with the Advice and Direction of the Select-Men of said Town, to impress and take up convenient Housing or Stores for the receiving, lodging and safe keeping thereof until the same shall be sufficiently aired as aforesaid.

Warrants to be made out to take up convenient Housing.

CHAP. VII.

An Act in further Addition to the Act, intitled, *An Act for Review in Civil Causes.*

Preamble.

WHEREAS the Defendant in any Personal Action may by Force of the Act made in Addition to the Act Intitled An Act for Review in Civil Causes, *have Execution of the Judgment of the Superiour Court of Judicature Court of Assize and General Goal Delivery given on the Trial of the Appeal, stayed six Months in some Counties, and a Year in others, only by giving Bond with Security approved of by that Court at the Time of entring such Judgment conditioned to prosecute a Writ of Review of such Action with Effect at the next Superiour Court of Judicature Court of Assize and General Goal Delivery to be holden in and for the County where such Judgment is given, and to answer and pay the original Plaintiff double Interest for the Debt recovered, and double additional Costs in Case the Judgment be affirmed, although the Estate attach'd by Force of the original Writ is not thereby held or subjected*

to

to satisfy the Plaintiffs Demand for more than thirty Days after the Judgment given on the Appeal, and in all Cases where Bail is given to the Action the Sureties cannot be compelled either to satisfy the Judgment or deliver up the Principal.

Wherefore for preventing Creditors being defrauded of their just Debts by Executions being so stayed:

Be it enacted by the Lieutenant Governour, Council and House of Representatives, That Execution of the Judgment of the Superiour Court of Judicature Court of Assize and General Goal Delivery given on the Trial of the Appeal in any Suit, shall not be stayed, unless the original Defendant his Executors or Administrators give Bond at the Time of entring such Judgment to the Party or Parties that obtained the same, with sufficient Sureties, to be approved of by the Court, in double the Sums recovered to review the Action at the next Superiour Court of Judicature Court of Assize and General Goal Delivery to be holden in and for that County, and to pay to the Party or Parties that obtained the Judgment upon the Tryal of the Appeal the Sum so recovered with Interest therefor, after the Rate of twelve per Cent. per Annum, and double the Costs arising on such Review, if the Judgment be not thereon reversed, in whole or in Part, or otherwise satisfied, and if reversed in Part only then to pay him or them that obtained the Judgment on the Trial of the Appeal what remains due by Force thereof, and is not reversed by the Judgment of said Court given on such Review or otherwise satisfied, together with Interest therefor after the Rate of six per Cent. per Annum. Bond to be given for prosecuting Reviews where Execution is stayed in double the Sum recovered and Costs.

Provided always, That nothing in this Act shall extend to any Suit already commenced, wherein upon the mean Process Bail was given or Estate attached. Proviso.

CHAP. VIII.

An Act for erecting the Village-Parish and Middle-Parish so called in the Town of *Salem*, into a distinct and seperate District by the Name of *Danvers*.

WHEREAS the Town of Salem *is very large, and the Inhabitants of the Village and middle Parishes, so called, within the same (many of them at least) live at a great Distance from that Part of the first Parish in* Salem *where the publick Affairs of the Town are transacted, and also from the Grammar School which is kept in the said first Parish; And whereas most of the Inhabitants of the said first Parish are either Merchants, Traders or Mechanicks, and those of the said Village and middle Parishes are chiefly Husbandmen, by Means whereof many Disputes and Difficulties have arisen, and may hereafter arise in the managing their publick Affairs together, and especially touching the apportioning of their publick Taxes:* Preamble.

For preventing of which Inconveniencies for the future;

Be it enacted by the Lieutenant Governour, Council, and House of Representatives, That that Part of the said Town of *Salem* which now constitutes the Village and middle Parishes in said Town, according to their Boundaries, and the Inhabitants thereon be erected into a seperate and distinct District by the Name of *Danvers*; and that said Inhabitants shall do the Duties that are required and enjoined on other Towns, and enjoy all the Powers, Priviledges and Immunities that Towns in this Province by Law enjoy, except that of seperately chusing and sending one or more Representatives, to represent them at the General Assembly: *In Lieu whereof;* Village and Middle Precinct in *Salem* erected into a Precinct.

Be

Inhabitants of said District to join with the Inhabitants of *Salem* in the Choice of Representatives.

Be it further enacted, That the said Inhabitants of said Parishes shall from Time to Time have full Power and Liberty to join with the said Town of *Salem* in the Choice of one or more Representatives to represent them and the said Town at the General Assembly, and also of being chosen for that Purpose, as if this Act had not been made; and the said Town of *Salem* are required to notify said Inhabitants of the said Middle, and Village Parishes of all Meetings that shall be called for the Choice of Representatives as aforesaid, as by Law they have heretofore been obliged to do.

Salem to fulfil their Agreement with the Inhabitants of this District.

And be it further enacted, That the said Town of *Salem* and the Inhabitants by this Act erected into a seperate District shall respectively be held to fulfil the Agreement entred into on the twenty third Day of *October* last, in like Manner as if the said Inhabitants had been by this Act erected into a seperate and distinct Township.

CHAP. IX.

An Act for erecting the Plantation called the Elbows into a District by the Name of *Palmer*.

Preamble.

WHEREAS it hath been represented to this Court that the Inhabitants of the Plantation, in the County of Hampshire, *called the* Elbows, *labour under Difficulties, by Reason of their not being incorporated into a District:*

The Plantation called the *Elbows* erected into a District.

Be it enacted by the Lieutenant Governour, Council and House of Representatives, That the Plantation aforesaid be and hereby is erected into a District by the Name of *Palmer*, bounding as follows; viz. Easterly on the Town of *Western*, Northerly, partly on the Plantation called *Cold-Spring*, and partly on *Ware-River* Precinct, called *Roads-Farm*, Southerly and Westerly on the Town of *Brimfield*; and that the Inhabitants thereof be and are hereby invested with all the Powers, Privileges and Immunities that the Inhabitants of Towns within this Province are or by Law ought to be vested with; saving only in the Choice of a Representative; which it is represented said Inhabitants are not at present desirous of.

Bounds thereof.

Rates and Taxes heretofore order'd to be assess'd shall be collected.

Be it further enacted, That all Rates and Taxes heretofore assessed or ordered to be assessed, pursuant to the Laws and Orders of this Court upon the Inhabitants of said *Elbows* Plantation, shall be levied collected and fully compleated, agreable to the Laws or Orders by which they were assessed.

BOSTON: Printed and Sold by S. Kneeland and T. Green, by Order of His Honour the Lieutenant Governour, Council and House of Representatives. 1752.

Acts and Laws

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*: Begun and Held at *Concord* in the County of *Middlesex*, upon Wednesday the twenty-seventh Day of *May*, 1752.

CHAP. I.

An Act in further Addition to the Act for Limitation of Actions, and for avoiding Suits at Law where the Matter is of long Standing.

Preamble.

WHEREAS in a late Law of this Province entitled, "An Act in "Addition to and for Explanation of an Act, entitled, An Act "for Limitation of Actions, and avoiding Suits at Law where "the Matter is of long Standing," *made and passed in the twenty-second Year of his present Majesty's Reign, the Time limited for commencing of all Actions of Accompt, and upon the Case (excepting as therein is excepted) will expire in* September *next; and whereas the Difficulties arisen by the Exchange of the Medium of Trade in this Province, and the Prevalency of the* Small-Pox *in* Boston, *and sundry other Towns in this Government, render it almost impracticable to have such Accompts and Actions of the Case settled within the Time by said Act limitted for that Purpose:*

Act continued till *Sept.* 1754.

Be it therefore enacted by the Lieutenant Governour, Council and House of Representatives, That the Time for commencing of Actions of Accompts and of the Case, by said Act limited as aforesaid, be and the same is hereby extended to the first Day of *September*, which will be in the Year of our Lord One Thousand seven Hundred and fifty-four; and no Suit hereafter to be brought in such Cases shall be barred, if commenced before the Expiration of said Term.

CHAP. II.

An Act in Addition to an Act for the more speedy Extinguishment of Fire, and preserving Goods endangered by it.

Preamble.

WHEREAS *in and by an Act made and passed in the eighteenth Year of his present Majesty's Reign, entitled,* "An Act for the more "speedy Extinguishment of Fire, and preserving Goods endan- "gered by it." *It is enacted that the several Towns within this Province may, if they see fit, at their anniversary Meeting in* March *annually, appoint a suitable Number of Persons, not exceeding ten, who shall be denominated Fire Wards; whose particular Business shall be to take Care and govern at Fires, (which from Time to Time may break out,) as in and by said Act, they are directed and impowered to do: And whereas by Experience the Fire Wards who have been annually chosen by the Town of* Boston, *have been found to be of great Use and Service to the said Town at Times of Fires; and it is apprehended, it would greatly serve the said Town if their Numbers were increased:*

Town of *Boston* impowered to chuse Twelve Fire Wards.

Be it therefore enacted by the Lieutenant Governour, Council and House of Representatives, That it shall and may be lawful for the Town of *Boston*, (who at present have Ten Fire Wards) at any Town Meeting warned for that Purpose, to elect and appoint two more meet Persons as Fire Wards who shall serve in that Office, till their anniversary Meeting in *March* next; and from thenceforward (as they shall see Cause) to chuse Twelve Persons for that Purpose annually, who shall do the Duty and be invested with the like Powers and Priviledges as Fire Wards in and by the said Act are invested withal.

BOSTON: Printed and Sold by S. Kneeland and T. Green, by Order of His Honour the Lieutenant Governour, Council and House of Representatives. 1752.

At the Parliament begun and holden at *Westminster*, the Tenth Day of *November*, *Anno Dom.* 1747, in the Twenty first Year of the Reign of our Sovereign Lord *GEORGE* the Second, by the Grace of GOD, of *Great Britain*, *France* and *Ireland*, King, Defender of the Faith, &c.

And from thence continued by several Prorogations to the Fourteenth Day of *November*, 1751, being the Fifth Session of this present Parliament.

An Act for avoiding and putting an End to certain Doubts and Questions, relating to the Attestation of Wills and Codicils, concerning Real Estates, in that Part of *Great Britain* called *England*, and in his Majesty's Colonies and Plantations in *America*.

Preamble reciting Clause in an Act of 29 *Car.* II.

WHEREAS by an Act made in the Twenty ninth Year of the Reign of His late Majesty King *Charles* the Second, intitled, *An Act for Prevention of Frauds and Perjuries*; it is, amongst other Things, enacted, That from and after the Twenty-fourth Day of *June*, in the Year of our Lord One Thousand six Hundred and seventy seven, all Devises and Bequests of any Lands or Tenements devisable, either by Force of the Statute of Wills, or by that Statute, or by Force of the Custom of *Kent*, or the Custom of any Borough, or any other particular Custom, shall be in Writing, and signed by the Party so devising the same, or by some other Person in his Presence, and by his express Direction; and shall be attested and subscribed in the Presence of the said Devisor, by Three or Four credible Witnesses, or else they shall be utterly Void and of none Effect, which hath been found to be a wise and good Provision: But whereas Doubts have arisen who are to be deemed legal Witnesses, within the Intent of the said Act:

Therefore for avoiding the same,

Devisee, &c. attesting, the Devise void, but he admitted to prove Will.

Be it enacted by the King's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Person shall attest the Execution of any Will or Codicil, which shall be made after the Twenty-fourth Day of *June*, in the Year of our Lord One Thousand seven Hundred and fifty two, to whom any beneficial Devise, Legacy, Estate, Interest, Gift, or Appointment of, or affecting any Real or Personal Estate, other than and except Charges on Lands, Tenements, or Hereditaments, for Payment of any Debt or Debts, shall be thereby given or made, such Devise, Legacy, Estate, Interest, Gift, or Appointment, shall, so far only as concerns such Person attesting the Execution of such Will or Codicil, or any Person claiming under him, be utterly null and void; and such Person shall be admitted as a Witness to the Execution of such Will or Codicil, within the Intent of the said Act; notwithstanding such Devise, Legacy, Estate, Interest, Gift, or Appointment, mentioned in such Will or Codicil.

Creditor attesting, admitted a Witness to the Will.

And be it further enacted by the Authority aforesaid, That in Case, by any Will or Codicil already made, or hereafter to be made, any Lands, Tenements, or Hereditaments, are, or shall be charged with any Debt or Debts; and any Creditor, whose Debt is so charged, hath attested, or shall attest the Execution of such Will or Codicil, every such Creditor, notwithstanding such Charge, shall be admitted as a Witness to the Execution of such Will or Codicil, within the Intent of the said Act.

Legatee who has been paid or shall refuse his Legacy, admitted a Witness to the Will.

And be it further enacted by the Authority aforesaid, That if any Person hath attested the Execution of any Will or Codicil already made, or shall attest the Execution of any Will or Codicil which shall be made on or before the said Twenty-fourth Day of *June*, in the Year of our Lord One Thousand seven Hundred and fifty two, to whom any Legacy or Bequest is or shall be thereby given, whether charged upon Lands, Tenements, or Hereditaments, or not; and such Person, before he shall give his Testimony concerning the Execution of any such Will or Codicil, shall have been paid, or have accepted or released, or shall have refused to accept such Legacy or Bequest, upon Tender made thereof; such Person shall be admitted as a Witness to the Execution of such Will or Codicil, within the Intent of the said Act, notwithstanding such Legacy or Bequest.

After Tender and Refusal, he is barred from the Legacy; but after Acceptance, he may retain the same, tho' the Will be adjudged void.

Provided always, and be it further enacted, That in Case of such Tender and Refusal, as aforesaid, such Person shall in no wise be intitled to such Legacy or Bequest, but shall be for ever afterwards barred therefrom; and in Case of such Acceptance, as aforesaid, such Person shall retain to his own Use, the Legacy or Bequest which shall have been so paid, satisfied, or accepted, notwithstanding such Will or Codicil shall afterwards be adjudged or determined to be void, for want of due Execution, or for any other Cause or Defect whatsoever.

Legatee attesting, and dying in the Life-time of the Testator, or before he has received or refused his Legacy, admitted a Witness to the Will.

And be it further enacted, That in Case any such Legatee, as aforesaid, who hath attested the Execution of any Will or Codicil already made, or shall attest the Execution of any Will or Codicil, which shall be made on or before the said Twenty-fourth Day of *June*, in the Year of our Lord One Thousand seven Hundred and fifty two, shall have died in the Life-time of the Testator, or before he shall have received or released the Legacy or Bequest so given him, as aforesaid, and before he shall have refused to receive such Legacy or Bequest, on Tender made thereof, such Legatee shall be deemed a legal Witness

to

to the Execution of such Will or Codicil, within the Intent of the said Act, notwithstanding such Legacy or Bequest.

Credit of the Witness to be considered and determined by the Court.

Provided always, That the Credit of every such Witness, so attesting the Execution of any Will or Codicil, in any of the Cases in this Act before-mentioned, and all Circumstances relating thereto, shall be subject to the Consideration and Determination of the Court, and the Jury, before whom any such Witness shall be examined, or his Testimony or Attestation made Use of; or of the Court of Equity, in which the Testimony or Attestation of any such Witness shall be made Use of; in like Manner, to all Intents and Purposes, as the Credit of Witnesses in all other Cases ought to be considered of, and determined.

No Devisee, where the Devise is made void; nor Legatee, who has refused to accept of the Legacy; being examined to the Execution of the Will, shall afterwards demand or take any Benefit, or Compensation for the same.

And be it further enacted by the Authority aforesaid, That no Person, to whom any beneficial Estate, Interest, Gift, or Appointment, shall be given or made, which is hereby enacted to be null and void, as aforesaid, or who shall have refused to receive any such Legacy or Bequest, on Tender made, as aforesaid, and who shall have been examined as a Witness concerning the Execution of such Will or Codicil, shall, after he shall have been so examined, demand or take Possession of, or receive, any Profits or Benefit of or from, any such Estate, Interest, Gift, or Appointment, so given or made to him, in or by any such Will or Codicil; or demand, receive, or accept, from any Person or Persons whatsoever, any such Legacy or Bequest, or any Satisfaction or Compensation for the same, in any Manner or under any Colour or Pretence whatsoever.

Cases particularized, where the Validity of Wills and Competency of Witnesses are not affected by this Act.

Provided always, and be it enacted by the Authority aforesaid, That this Act, or any Thing herein contained, shall not extend, or be construed to extend, to the Case of any Heir at Law, or of any Devisee in a prior Will or Codicil of the same Testator, executed and attested according to the said recited Act, or any Person claiming under them respectively, who has been in quiet Possession for the Space of two Years next preceding the sixth Day of *May*, in the Year of our Lord, One Thousand seven and fifty one, as to such Lands, Tenements, and Hereditaments, whereof he has been in quiet Possession as aforesaid; and also that this Act, or any Thing herein contained, shall not extend, or be construed to extend, to any Will or Codicil, the Validity or due Execution whereof hath been contested in any Suit in Law or Equity commenced by the Heir of such Devisor, or the Devisee in any such prior Will or Codicil, for recovering the Lands, Tenements, or Hereditaments, mentioned to be devised in any Will or Codicil so contested, or any Part thereof, or for obtaining any other Judgment or Decree relative thereto, on or before the said Sixth Day of *May* in the Year of our Lord One Thousand seven Hundred and fifty one, and which has been already determined in Favour of such Heir at Law, or Devisee in such prior Will or Codicil, or any Person claiming under them respectively, or which is still depending, and has been prosecuted with due Diligence; but the Validity of every such Will or Codicil, and the Competency of the Witnesses thereto, shall be adjudged and determined in the same Manner, to all Intents and Purposes, as if this Act had never been made; any Thing herein before contained to the contrary thereof in any wise notwithstanding.

Possessions which are not comprehended within the Meaning of the preceding Clause.

Provided always nevertheless, and it is hereby declared, that no Possession of any Heir at Law, or Devisee in such prior Will or Codicil as aforesaid, or of any Person claiming under them respectively, which is consistent with, or may be warranted by or under, any Will or Codicil attested according to the true Intent and Meaning of this Act, or where the Estate descended or might have descended,

to

to such Heir at Law, till a future or executory Devise, by Virtue of any Will or Codicil attested according to this Act, should or might take Effect, shall be deemed to be a Possession within the Intent and Meaning of the Clause herein last before contained.

And whereas in some of the British *Colonies or Plantations in* America, *the said Act of the Twenty ninth Year of the Reign of King* Charles *the Second, has been received for Law, or Acts of Assembly have been made, whereby the Attestation and Subscription of Witnesses to Devises of Lands, Tenements, and Hereditaments, have been required:*

Therefore, to prevent and avoid Doubts which may arise in the said Colonies or Plantations, in Relation to the Attestation of such Devises of Lands, Tenements, and Hereditaments;

This Act to extend to such of the *British* Colonies in *America*, where the Act of 19 *Car.* II. is received as a Law, *&c.*

Be it enacted by the Authority aforesaid, That this Act, and every Clause, Matter, and Thing therein contained, shall extend to such of the said Colonies and Plantations, where the said Act of the Twenty-ninth Year of the Reign of King *Charles* the Second, is by Act of Assembly made, or by Usage received as Law, or where by Act of Assembly or Usage, the Attestation and Subscription of a Witness or Witnesses are made necessary to Devises of Lands, Tenements, or Hereditaments; and shall have the same Force and Effect in the Construction of, or for the avoiding of Doubts upon, the said Acts of Assembly, and Laws of the said Colonies and Plantations, as the same ought to have in the Construction of, or for the avoiding of Doubts upon, the said Act of the Twenty-ninth Year of the Reign of King *Charles* the Second in *England*.

Devises, *&c.* by Wills 1 *March* 1753, to be only void.

Provided always, That as to Cases arising in any of the said Colonies or Plantations in *America*, no such Devise, Legacy, or Bequest as aforesaid, shall be made null and void, by Virtue of this Act, unless the Will or Codicil whereby such Devise, Legacy, or Bequest shall be given, shall be made after the first Day of *March*, which shall be in the Year of our Lord One Thousand seven Hundred and fifty three.

BOSTON: Printed and Sold by S. Kneeland and T. Green, by Order of His Honour the Lieutenant Governour, Council and House of Representatives. 1752.

Acts and Laws,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*: Begun and Held at *Concord* in the County of *Middlesex*, upon Wednesday the twenty-seventh Day of *May* 1752. And continued by Prorogations to Wednesday the twenty-second Day of *November* following, and then met at *Cambridge*.

CHAP. III.

An Act for dividing the Town of *Groton*, and making a District by the Name of *Shirley*.

WHEREAS the Inhabitants of the Southwesterly Part of the Town of Groton, *by Reason of the Difficulties they labour under, being remote from the Place of the publick Worship of GOD, have addressed this Court to be set off a seperate District, whereunto the Inhabitants of said Town have manifested their Consent:* Preamble.

Be it therefore enacted by the Lieutenant Governour, Council and House of Representatives, That the Southwestwardly Part of the Town of *Groton*, comprehended within the following Boundaries, *viz.* Beginning at the Mouth of *Squanacook-River*, where it runs into *Lancaster* River, from thence up said *Lancaster* till it comes to Land belonging to the Township of *Stow*, thence Westwardly bounding Southwardly to said *Stow* Land, till it comes to the Southwest Corner of the Township of *Groton*, thence Northwardly bounding Westwardly to *Lunenburgh* and *Townsend* to *Squanacook-River* aforesaid, thence down said River, and joining thereto to the Mouth thereof being the first Bound, be and hereby is set off from the said Town of *Groton*, and erected into a separate and distinct District by the Name of *Shirley*: And that the Inhabitants thereof be and hereby are vested with all the Powers, Priviledges and Immunities which the Inhabitants of any Town within this Province do or by Law ought to enjoy; excepting only the Priviledge of chusing a Representative to represent them in the Great and General Court, in chusing of whom the Inhabitants of said District shall join, with the Inhabitants of the Town of *Groton* as heretofore has been usual, and also in paying said Representative.

Southwardly Part of *Groton* made a District by the Name of *Shirley*.

Bounds thereof.

Priviledges granted said District.

Proviso. *Provided nevertheless*, The said District shall pay their proportionable Part of all such Town, County, Parish and Province Charges as are already assessed upon the Town of *Groton* in like Manner as though this Act had never been made.

Mr. *John Whitney* impowred to call the first Meeting. **And be it further enacted**, That Mr. *John Whitney* be and hereby is impowered to issue his Warrant directed to some principal Inhabitant in said District, requiring him to notify and warn the Inhabitants of said District qualified by Law to vote in Town Affairs, to meet at such Time and Place as shall be therein set forth, to chuse all such Officers as shall be necessary to manage the Affairs of said District.

CHAP. IV.

An Act for erecting the second Precinct in the Town of *Northampton* into a seperate District, by the Name of *Southampton*.

Second Precinct in *Northampton* made a seperate District. **Be it enacted by the Lieutenant Governour, Council and House of Representatives**, That the said second Precinct in *Northampton*, bounding North on the Long-Division (so called) of common Lands in said *Northampton*, Easterly on the Country Road, until it comes to the South End of the Mountain Division of Commons, then East on that Division until it comes to *Springfield* North Line, then on *Springfield* North Line aforesaid until it comes to the South East Corner of *Northampton* Bounds, and South on the Town of *Westfield*, and West on the Lands some time since Country Land, now belonging to *David Ingersole*, Esq; of *Sheffield*'s Equivalent Land, so called,

Bounds thereof. be and hereby is erected into a seperate and distinct District by the Name of *Southampton*; and that the said District be invested with all the Powers, Priviledges and Immunities that Towns in this Province by

Privileges, &c. granted said District. Law do or may enjoy, that of sending a Representative to the General Assembly only excepted; and that the said District shall have full Liberty and Right from Time to Time to join with the Town of *Northampton* in chosing a Representative to represent them at the General Assembly, and that the District shall from Time to Time be at their proportionable Part of the Expence of such Representative, and that the Town of *Northampton* as often as they shall call a Meeting for the Choice of Representatives, shall from Time to Time give seasonable Notice to the Clerk of said District for the Time being, of the Time and Place of holding said Meeting, to the End that said District may join them therein, and the Clerk of said District shall set up in some publick Place in said District a Notification thereof accordingly.

Proviso. *Provided nevertheless*, **And be it further enacted**, That the said District shall pay their Proportion of all Town, County and Province Taxes, already set on or granted to be raised by said Town, as if this Act had not been made.

Joseph Hawley Esq; impowred to call the first Meeting. **And be it further enacted**, That *Joseph Hawley*, Esq; be and hereby is impowered to issue his Warrant directed to some principal Inhabitant in said District, requiring him to notify and warn the Inhabitants of said District, qualified by Law to vote in Town Affairs, to meet at such Time and Place as shall be therein set forth, to chuse all such Officers as shall be necessary to manage the Affairs of said District.

BOSTON: Printed and Sold by S. Kneeland and T. Green, by Order of His Honour the Lieutenant Governour, Council and House of Representatives. 1753.

Acts and Laws,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*: Begun and Held at *Concord* in the County of *Middlesex*, upon Wednesday the twenty-seventh Day of *May* 1752. And continued by Prorogations and Adjournment, to Wednesday the twenty-eighth of *March* following, and then met at *Boston*.

CHAP. V.

An Act for altering the Times for holding the Superiour Court of Judicature Court of Assize and General Goal Delivery, within the Counties of *Plymouth*, *Barnstable* and *Bristol*.

Preamble.

WHEREAS the holding of the Superiour Court of Judicature Court of Assize and General Goal Delivery at Taunton, *within and for the County of* Bristol, *at the Time appointed by Law, being the second Tuesday in* May *yearly, would (as the Style of the Year is now altered) be in many Respects inconvenient: And whereas the Time for holding the same cannot be conveniently altered, without altering likewise the Times for holding the said Court in the Counties of* Plymouth *and* Barnstable:

Time of the Superiour Courts Sitting in *Plymouth*, *Barnstable* and *Bristol* Counties altered.

Be it therefore enacted by the Lieutenant Governour, Council and House of Representatives, That the Time for holding the Superiour Court of Judicature, Court of Assize and General Goal Delivery at *Taunton*, within and for the County of *Bristol*, shall for the future be the second Tuesday of *July* yearly; and that the Time for holding the said Court at *Plymouth*, within and for the County of *Plymouth*, shall hereafter be the third Tuesday of *July* yearly; and that the Time for holding the said Court at *Barnstable* for the Counties of *Barnstable* and *Dukes-County*, shall hereafter be the fourth Tuesday of *July* yearly.

All Matters depending in said Courts continued.

And be it further enacted, That all Writs and other Process already issued, and all Appeals, Reviews, Recognizances and other Matters whatsoever taken, filed, continued or any Ways depending, which were to be heard tried or proceeded on in the said Court at the respective Towns of *Taunton* for the County of *Bristol*, *Plymouth* for the County of *Plymouth*, *Barnstable* for the Counties of *Barnstable* and *Dukes-County*, according to the respective Times or Days already appointed by Law, shall not fail or be discontinued, but be valid and stand good to all Intents and Purposes in the Law, and be heard, tried and determined at the respective Times and Days set and appointed by this Act: And all Officers and other Persons concerned are required to conform themselves accordingly.

CHAP. VI.

An Act in Addition to the several Acts or Laws for the suppressing of Lotteries.

Preamble.

WHEREAS divers good and wholesome Laws have been made and pass'd by this Government for suppressing of Lotteries, and thereby preventing a vain and foolish Expence, tending to the Impoverishment of unwary People; which Laws are in a great Measure rendred ineffectual by the Lotteries which are frequently set up in the neighbouring Governments, and by the Sale of such Lottery Tickets to the Inhabitants of this Province:

Penalty for publishing Lottery Tickets of other Governments.

Be it therefore enacted by the Lieutenant Governour, Council and House of Representatives, That if any Person or Persons after the tenth Day of *May* next, shall within this Province be aiding or assisting in any Lottery, by Printing, Writing, or any other ways Publishing an Account of the Sale of such Lottery Ticket or Tickets, such Person or Persons shall for such Offence forfeit a Sum not exceeding *twenty Pounds*, to be recovered by Information, Plaint, Bill or Action at Law, in any of His Majesty's Courts of Record within this Province; the one Half thereof to His Majesty to be applied towards the Support of this Government, and the other Half to him or them that shall inform and sue for the same.

Penalty for selling Lottery Tickets.

And be it further enacted, That if any Person or Persons shall within this Province give, sell, or otherwise dispose of, or shall therein offer or expose to Sale any Ticket or Tickets in any Lottery, excepting such as shall be established by Act of Parliament, or by Act of this Government, such Person or Persons so offending, shall forfeit a Sum not exceeding *forty Pounds* for each Ticket so given, sold or disposed of, or so exposed to Sale, to be recovered in Manner and for the Use aforesaid.

Penalty for buying Lottery Tickets.

And be it further enacted, That if any Person or Persons within this Province, shall receive or purchase any such Lottery Ticket or Tickets, such Person or Persons shall likewise forfeit a Sum not exceeding *forty Pounds* for each Ticket so received or purchased by him or them, to be likewise recovered and applied as in Manner aforesaid.

Person informing to be freed.

Provided nevertheless, That if such Receiver or Purchaser shall inform against or prosecute the Person or Persons who gave, sold or disposed of the same, so as that he or they shall be convicted of said Offence, such Receiver or Purchaser shall not in that Case be liable to the Penalty aforesaid, but shall be wholly freed and exempted therefrom.

CHAP.

CHAP. VII.

An Act for erecting the second Precinct in the Town of *Groton* into a seperate District.

Second Precinct in *Groton* made a District by the Name of *Pepperrill.*

BE it enacted by the Lieutenant Governour, Council and House of Representatives, That the second Precinct in *Groton*, bounding southerly on the old Country Road leading to *Townshend*, Westwardly on *Townshend* Line, Northerly on the Line last run by the Government of *New-Hampshire*, as the Boundary betwixt that Province and this, Easterly to the middle of the River called *Lancaster-River*, from where the said Boundary Line crosses said River, so up the middle of the said River to where the Bridge did stand, called *Kemp*'s *Bridge*, to the Road first mentioned; be and hereby is erected into a seperate District, by the Name of *Pepperrell*; and that the said District be and hereby is invested with all the Privileges, Powers and Immunities, that Towns in this Proxince by Law do or may enjoy, that of sending a Representative to the General Assembly only excepted; and that the Inhabitants of said District shall have full Power and Right from Time to Time to join with the said Town of *Groton* in the Choice of a Representative or Representatives, in which Choice they shall enjoy all the Privileges which by Law they would have been intitled to if this Act had not been made: And that the said District shall from Time to Time pay their proportionable Part of the Expence of such Representative or Representatives, according to their respective Proportions of the Province Tax; and that the said Town of *Groton*, as often as they shall call a Meeting for the Choice of a Representative, shall give seasonable Notice to the Clerk of said District for the Time being, of the Time and Place of holding such Meeting, to the End that said District may join them therein; and the Clerk of said District shall set up in some publick Place in said District a Notification thereof accordingly, or otherwise give seasonable Notice, as the District shall determine.

Bounds thereon.

Priviledges Respecting a Representative.

Provided nevertheless, and be it further enacted, That the said District shall pay their Proportion of all Town, County and Province Taxes, already set on or granted to be raised by said Town, as if this Act had not been made; and also be at one Half the Charge in building and repairing the two Bridges on *Lancaster-River* aforesaid in said District.

The Inhabitants to pay their Proportion of Taxes already granted in *Groton.*

Provided also, and be it further enacted, That no poor Person residing in said District, and who have been warned by the Select-Men of said *Groton* to depart said Town, shall be understood as hereby exempted from any Process they would have been exposed to if this Act had not been made.

Proviso about the Poor.

And be it further enacted, That *William Lawrence*, Esq; be and hereby is impowered to issue his Warrant directed to some principal Inhabitant in said District, requiring him to notify the Inhabitants of said District, to meet at such Time and Place as he shall appoint, to chuse all such Officers as by Law they are impowered to chuse for conducting the Affairs of said District.

Meeting to be called.

CHAP.

CHAP. VIII.

An Act for erecting the second Precinct in the Town of *Leicester* into a seperate District.

A new District made in *Leicester*.

BE it enacted by the Lieutenant Governour, Council and House of Representatives, That the said second Precinct in *Leicester*, bounding North on the Town of *Rutland*, Easterly on the first Parish on *Leicester*, Southerly on Land called the *Country Gore*,

Bounds thereof.

Westerly on the Town of *Brookfield*, be and hereby is erected into a seperate and distinct District by the Name of *Spencer*; and that the said District be invested with all the Powers, Privileges and Immunities that Towns in this Province by Law do or may enjoy, that of sending a Representative to the General Assembly only excepted; and that the said District shall have full Liberty and Right from Time to Time to join with the Town of *Leicester* in choosing a Representative to represent them at the General Assembly; and that the District shall from Time to Time be at their proportionable Part of the Expence of such Representative. And that the Town of *Liecester* as often as they shall call a Meeting for the Choice of Representatives shall from Time to Time, give seasonable Notice to the Clerk of said District for the Time being, of the Time and Place of holding of said Meeting, to the End that said District may join therein; and the Clerk of said District shall set up in some publick Place in said District a Notification thereof accordingly.

Privileges of.

Taxes already made in *Leicester* to be good.

Provided nevertheless, and be it further enacted, That the said District shall pay their Proportion of all Town, County and Province Taxes already set on or granted to be raised by said Town, as if this Act had not been made.

Meeting to be called.

And be it further enacted, That *Thomas Steel*, Esq; be and hereby is impowered to issue his Warrant, directed to some principal Inhabitant in said District, requiring him to notify and warn the Inhabitants of said District, qualified by Law to vote in Town Affairs, to meet at such Time and Place as shall be therein set forth, to choose all such Officers as shall be necessary to manage the Affairs of said District.

CHAP. IX.

An Act for erecting the North-westerly Part of the Town of *Rutland* into a seperate District.

A new District made in *Rutland*.

BE it enacted by his Honour the Lieutenant Governour, Council and House of Representatives, That the North-westerly Part of the Township of *Rutland*, as delineated and described in a Plan presented to the General Assembly in *April* One Thousand seven Hundred and forty nine, on file in the Secretary's Office, be and hereby is erected into a seperate District by the Name of *Rutland-District*; and that the said District be and hereby is invested with all the Powers and Priviledges that Towns in this

this Province by Law do or may enjoy, that of sending a Representative to the General Assembly only excepted; and that the Inhabitants of said District shall have full Power from Time to Time to join with the said Town of *Rutland* in the Choice of a Representative, or of being chosen, in which Choice they shall enjoy all the Privileges which by Law they would have been entitled to if this Act had not been made, and shall pay their proportionable Share or Part of the Expence of such Representative: And that the said Town of *Rutland*, as often as they call a Meeting of such Town for the Choice of a Representative, shall give seasonable Notice to the Clerk of said District for the Time being, of the Time and Place of holding such Meeting, to the End that said District may join with them therein, and the Clerk of said District shall forthwith give Direction to the Constable or Constables of said District to notify as usual in other Town Meetings; and that such Meetings from Time to Time shall be regulated by the Select-Men of said Town and District jointly, or such of them as shall be present and take upon them the said Trust. Priveleges.

And be it further enacted, That all the Acts done by the Inhabitants of said District as such, and by Virtue of an Order of the General Assembly pass'd the fourteenth Day of *April* One Thousand seven Hundred and forty nine, which were otherwise according to Law, shall be held good and valid to all Intents and Purposes; and all Officers then chosen and now in Office shall be esteemed proper Officers, and invested with the same Power and Authority as if the said Inhabitants had been erected into a seperate District by a Law of this Province, instead of said Order. Acts of the Inhabitants of the said District since *April* 1759. confirmed.

CHAP. X.

An Act for erecting the second Precinct in the Town of *Hadley* into a seperate District.

BE it enacted by the Lieutenant Governour, Council and House of Representatives, That the said second Precinct in *Hadley* bounding Westerly on *Connecticut*-River, Southerly on the North Line of the Town of *Springfield*, and Easterly on the Westerly Line of the Precinct or Plantation called *Cold-Spring*, and Northerly on the highest Part of the Mountain called *Mount Holyoke*, so far as that extends, and from the Mountain Gate at the West-End of said Mountain by the Meadow Fence to *Connecticut*-River, and from the East End of said Mountain on an East Line, from thence to *Cold-Spring* West Line aforesaid, be and hereby is erected into a seperate District by the Name of *South-Hadley*; and that the said District be and hereby is invested with all the Privileges, Powers and Immunities that Towns in this Province by Law do or may enjoy, that of sending a Representative to the General Assembly only excepted; and that the Inhabitants of said District shall have full Power and Right from Time to Time to join with the said Town of *Hadley* in the Choice of a Representative, in which Choice they shall enjoy all the Privileges which by Law they would have been entitled to, if this Act had not been made; and that the said District shall from Time to Time pay their proportionable Part of the Expence of such Representative, according to their respective Proportions of the Province Tax; and that the said Town of *Hadley* as often as they shall call a Meeting for the Choice of a Representative, shall give seasonable Notice

Second Precinct in *Hadley* made a District by the Name of *South Hadley*

Bounds thereof.

Priviledges respecting a Representative.

Notice

Notice to the Clerk of said District for the Time being, of the Time and Place of holding such Meeting, to the End that said District may join them therein; and the Clerk of said District shall set up in some publick Place in said District a Notification thereof accordingly.

The Inhabitants to pay their Proportion of Taxes already granted in *Hadley*, and enjoy their Part of the Land,

Provided nevertheless, and be it further enacted, That the said District shall pay their Proportion of all Town, County and Province Taxes already set on or granted to be raised by said Town, as if this Act had not been made.

Provided also, That the Inhabitants of said District shall retain and enjoy the same Right and Share in all common and undivided Land, and in all School Lands in said Township of *Hadley*, if any such there be, as they would have had if this Act had not been made.

as also of Monies, &c.

Provided also, and be it further enacted, That of all Monies or other personal Estate belonging to said Town (if any such they have) the Inhabitants of the said District shall have and enjoy a Proportion thereof, equal to the Proportion they paid of the Charges of said Town, according to their last Town Tax.

Proviso about the Poor.

Provided also, and be it further enacted, That no poor Persons residing in said District, and who have been warned by the Select-Men of said *Hadley*, to depart said Town, shall be understood as hereby exempted from any Process they would have been exposed to, if this Act had not been made.

Meeting to be called.

And be it further enacted, That *Eleazer Porter*, Esq; be and hereby is impowered to issue his Warrant directed to some principal Inhabitant in said District, requiring him to notify the Inhabitants of said District, to meet at such Time and Place as he shall appoint, to chuse all such Officers as by Law they are impowred to chuse for conducting the Affairs of said District.

CHAP. XI.

An Act for annexing certain Lands within this Province to the Counties of *Hampshire*, *Worcester* and *York*.

Province Lands to be annexed to the County of *Hampshire*.

BE it enacted by the Lieutenant Governour, Council and House of Representatives, That all the Lands within this Province, not belonging to any particular County, and lying Westward of *Connecticut*-River, and from said River to the utmost Western Bounds of the Province, be and hereby are annexed to the County of *Hampshire*.

To the County of *Worcester*.

And be it further enacted, That all the Lands within this Province adjoining to the County of *Worcester*, and not laid to any other County, be and hereby are annexed to the County of *Worcester*.

To the County of *York*.

And be it further enacted, That all the Lands within this Province, lying Eastward of the Province of *New-Hampshire*, be and hereby are annexed to the County of *York*.

BOSTON: Printed and Sold by S. Kneeland and T. Green, by Order of His Honour the Lieutenant Governour, Council and House of Representatives. 1753.

Acts and Laws,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*: Begun and held at *Boston* in the County of *Suffolk*, upon Wednesday the thirtieth Day of *May*, 1753.

CHAP. I.

An Act in Addition to an Act Intitled *An Act directing how Meetings of Proprietors of Lands lying in common may be called.*

Preamble.

WHEREAS there are sundry Tracts of common and undivided Lands in this Province lying within no Township or Precinct, which are owned by considerable Numbers of Proprietors, and no effectual Provision has as yet been made by Law, either for calling Meetings of the Proprietors of such Lands, or for the raising and collecting Moneys granted for the common Good and Service of such Proprietors; whereby the Settlement and Improvement of such Lands have been much obstructed and delayed:

Method of calling Proprietors Meetings.

Be it therefore enacted by the Lieutenant Governour, Council and House of Representatives, That whensoever five, (where there are so many) or the major Part of the Owners or Proprietors of such common Lands (where the Number shall be less) shall judge it expedient to have a Meeting of the Proprietors thereof, and shall thereupon by Writing apply by Petition to any Justice of the Peace for the County wherein such their Lands at aforesaid lie, or to a Justice of the Peace thro' this Province, to call a Meeting of any such Proprietors as aforesaid, to be had at such Time and Place and on such Occasions as shall be expressed in such Petition, such Justice so applied unto, is hereby authorized and directed to grant and issue out his Warrant directed to one of the Proprietors desiring such Meeting, or to the Clerk of such Propriety (if there be one) requiring him to notify and warn the other Proprietors of such common Lands to meet and assemble together at the Time and Place appointed therefor as aforesaid; which Notice and Warning shall be given by advertising the same, with the Time Place and Occasions of Meeting, in the several *Boston* Weekly News-Papers forty Days at least before the Day appointed for such Meeting; and such Pro-

Powers of the said Proprietors in their Meetings.

prietors may by themselves or their lawful Attorneys at such Meeting appoint such a Method for calling their Meetings for the future as they shall judge most convenient, which shall always be under the same Regulations as all other Proprietary Meetings are, and may chuse a Clerk and such other Officers as are usually chosen by other Proprieties, then and from Time to Time as their Occasions shall require, and may transact and pass upon any other Matters and Affairs for the Benefit of such Propriety, which the Proprietors of new Townships or Plantations granted by this Government are by Law enabled to do, provided suchMatters be mentioned in the Notifications for suchMeetings; and suchClerk being duly sworn as the Clerks of other Proprieties by Law ought to be, shall have the like Power with them.

To raise Moneys for the Use of the Propriety.

And be it further enacted, That such Proprietors at any of their Meetings pursuant to this Act, may by themselves or their lawful Attorneys, grant and order any suitable Sum or Sums of Money to be raised and levied upon their several Rights in such Lands equally and rateably according to their respective Interests and Shares therein, for bringing forward and compleating the Settlement of such common Lands, and for the Prosecution or defending any Law Suits for or against such Proprietors, and for carrying on and managing any other Affairs for the common Good of such Proprieties; and every such Proprietor as shall neglect to pay to the Collector or Treasurer or Committee of such Propriety such Sum or Sums of Money as shall from Time to Time be duly granted and voted to be raised and levied upon his Right and Share in such Lands for the Space of six Months to those who live in the Province, and twelve Months to those who live out of the Province, after such Grant and his Proportion thereof shall be published in the several publick Prints as aforesaid, then the Committee of the Proprietors of such common Lands, or the major Part of such Committee may and are hereby fully impowered from Time to Time at a publick Vendue to sell and convey away so much of such delinquent Proprietors Right or Share in said common Lands, as will be sufficient to pay and satisfy his Tax or Proportion of such Grant, and all reasonable Charges attending such Sale, to any Person that will give most for the same; Notice of such Sale being given in the said Prints forty Days at least before Hand, and may accordingly execute and give a good Deed or Deeds of Conveyance of the Lands so sold, unto thePurchaser thereof, to hold in Fee Simple.

And to make Sale of the Lands of the Delinquents.

Proviso.

Provided nevertheless, that the Proprietor or Proprietors whose Right or Share in such Lands shall be so sold, shall have Liberty to redeem the same in twelve Months after said Sale, by paying the Sum the Land sold for and Charges, together with the further Sum of *twelve Pounds* for each Hundred Pounds produced by such Sale; and so *pro ratâ* for any less or greater Sum.

CHAP. II.

An Act for erecting the Township of *New-Salem*, so called, in the County of *Hampshire*, into a District.

New-Salem constituted a District.

Be it enacted by the Lieutenant Governour, Council and House of Representatives, That the said Township of *New-Salem*, with the Additional Grant made to said Township, be and hereby is erected into a District by the Name of *New-Salem*; and that the said District be and hereby is invested with all the Privileges, Powers and Immunities that Towns in this Province by Law do or may enjoy, that of sending a Representative to the General Assembly only excepted; and the

Powers thereof.

Inhabitants

Inhabitants of said District shall have full Power and Right from Time to Time (until the further Order of this Court) to join with the Town of *Sunderland* in the Choice of a Representative; and that the said District shall from Time to Time pay their proportionable Part of the Expence of such Representative, according to their respective Proportions of the Province Tax; and that the said Town of *Sunderland* as often as they shall call a Meeting for the Choice of a Representative, shall give seasonable Notice to the Clerk of said District for the Time being of the Time and Place of holding such Meeting, to the End that said District may join them therein: And the Clerk of said District shall set up in some publick Place in said District a Notification thereof accordingly. To join with *Sunderland* in Choice of a Representative.

And be it further enacted, That all the Lands in said District be taxed *one Penny* per Acre for the Space of three Years; and that the Monies thereby raised shall be employed in finishing the Meeting House, repairing Roads, and for defreying other publick Charges in said District. Lands to be taxed there.

Provided nevertheless, That nothing contained in this Act shall be understood to supersede the Order of this Court in *April* last, respecting the Province, their taking Possession of all forfeited Grants after the Time limitted in said Order. Proviso.

And be it further enacted, That *Eleazer Porter*, Esq; be and hereby is impowered to issue his Warrant directed to some principal Inhabitant in said District, requiring him to notify the Inhabitants of said District to meet at such Time and Place as he shall appoint to chuse all such Officers as by Law they are impowred to chuse for conducting the Affairs of said District. Meeting to be called.

CHAP. III.

An Act for erecting the North Easterly Part of the Town of *Deerfield* into a seperate District.

BE it enacted by the Lieutenant Governour, Council and House of Representatives, That the North-Easterly Part of the Town of *Deerfield*, bounding South by the Line called the Eight Thousand Acre Line, to run from *Connecticut-River* West to the West End of the first Tier of Lots, which lie West of the seven Mile Line, so called, from thence North nineteen Degrees East to the North Side of the Town Bounds, thence East on the Town Line to *Connecticut-River*, thence on said River to the first mentioned Bounds; be and hereby is erected into a seperate District by the Name of *Greenfield*; and that the said District be and hereby is invested with all the Privileges, Powers and Immunities that Towns in this Province do or may enjoy, that of sending a Representative to the General Court only excepted; and that the Inhabitants of said District shall have full Power and Right from Time to Time to join with the said Town of *Deerfield* in the Choice of a Representative or Representatives (who may be chosen either in the Town or District) in which Choice they shall enjoy all the Privileges which by Law they would have been intitled to, if this Act had not been made; and that the said District shall from Time to Time pay their proportionable Part of the Expence of such Representative or Representatives, according to their respective Proportions of the Province Tax, and that the said Town of *Deerfield* as often as they shall call a Meeting for the Choice of a Representative, shall give seasonable Notice to the Clerk Bounds of the District of *Greenfield*. Powers thereof. To join with *Deerfield* in sending a Representative.

Clerk of said District for the Time being of the Time and Place of holding such Meeting, to the End that said District may join them therein; and the Clerk of said District shall set up in some publick Place in said District a Notification thereof accordingly, or otherwise give seasonable Notice as the District shall determine.

Proviso. *Provided nevertheless*, **and be it further enacted**, That the said District shall pay their Proportion of all Town, County, and Province Taxes already set on or granted to be raised by said Town, as if this Act had not been made.

Cheapside Land. **And be it further enacted**, That the Lands in a certain Interval or Meadow called *Cheap side*, which do now belong to *Timothy Childs*, Jun and *David Wells*, shall pay their Taxes to said District so long as they are owned by any Persons living within said District.

Place of the Meeting House. *Provided also*, **and be it further enacted**, That the first Meeting House in said District shall be set up at a Place called the *Trap-Plain*, where the Committee of the Town of *Deerfield* have fixed a White Oak Stake.

Unimproved Lands to be taxed for the Ministry &c. *Provided also*, **and be it further enacted**, That a Tax of *one Penny Farthing* per Acre be levied upon the unimproved allotted Lands in said District so soon as the Frame of a Meeting House is erected at the aforesaid Place; and also a further Tax of *one Penny Farthing* per Acre upon said unimproved Lands so soon as a Minister is settled within said District, which Taxes are to be employed for building said Meeting House and settling and supporting a Minister.

Proviso. *Provided nevertheless*, **and be it further enacted**, That the Non-resident Proprietors of Lands in said District shall be allowed to vote in the Meetings of said District with Regard to building a Meeting House, and also with Regard to the Salary and Settlement that shall be given to a Minister.

Proviso. *Provided also*, that the said District shall have the Improvement of one Half of the sequestred Lands on the North Side of *Deerfield-River*, until there shall be another District or Parish made out of the said Town of *Deerfield*.

Proportion of Province and County Tax. *Provided also*, **and be it further enacted**, That the said District shall hereafter pay the same proportionable Part of all County and Province Taxes that shall be laid on the Town of *Deerfield* as there was levied on the Polls and rateable Estate within the Limits of said District for the last Tax, until this Court shall otherwise order, or set out their Proportions.

Proviso about Poor warned to depart. *Provided also*, **and be it further enacted**, That no poor Person or Persons residing in said District, and who have been warned by the Select-Men of said *Deerfield* to depart said Town, shall be understood as hereby exempted from any Process they would have been expos'd to if this Act had not been made.

District Meeting to be called. **And be it further enacted**, That *Elijah Williams*, Esq; be and hereby is impowred to issue his Warrant directed to some principal Inhabitant of said District to meet at such Time and Place as he shall appoint, to choose all such Officers as by Law they are impowered to choose for conducting the Affairs of said District.

CHAP.

CHAP. IV.

An Act for erecting a Place called *Sheepſcot*, in the County of *York*, into a Diſtrict, by the Name of *Newcaſtle*.

Preamble.

WHEREAS *it hath been repreſented to this Court that the Inhabitants of* Sheepſcot *aforeſaid, labour under Difficulties by Reaſon of their not being incorporated into a Diſtrict.*

Newcaſtle conſtituted a Diſtrict.

Be it enacted by the Lieutenant Governour, Council and Houſe of Repreſentatives, That the ſaid Place or Plantation called *Sheepſcot*, with the Inhabitants thereon, be and hereby is erected into a Diſtrict by the Name of *Newcaſtle*, bounding as following, Beginning at the Narrows called *Sheepſcot* Narrows, at the upper End of *Wiſcaſſet-Bay*, and ſo extending from the Narrows up the ſaid River eight Miles, from thence South-Eaſt to *Damariſcotta-River*, and to extend down ſaid River eight Miles, and from thence to run to *Sheepſcot-River*, at the Place firſt mentioned; and that the ſaid Diſtrict be and hereby is inveſted with all the Privileges, Powers and Immunities that Towns in this Province by Law do or may enjoy, that of ſending a Repreſentative to the General Aſſembly only excepted.

Powers thereof.

Aſſeſſment for 1751, confirmed.

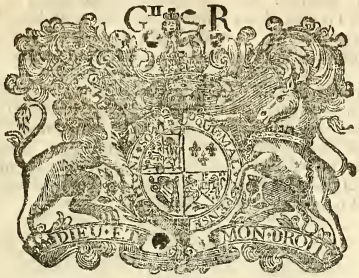
And be it further enacted, That the Aſſeſsment made by the Select-Men choſen by the ſaid Inhabitants for the Year One Thouſand ſeven Hundred and fifty one, be confirmed, and that the Conſtable or Collector choſen for the ſame Year by ſaid Inhabitants who have collected ſome Part of ſaid Aſſeſsment, be and hereby are impowered and directed to finiſh their Collection, and pay it according to the Direction of their Warrant, and that the Select-Men who ſhall be choſen by ſaid Inhabitants for the Year One Thouſand ſeven Hundred and fifty three, be and hereby are directed and impowred forthwith to aſſeſs on the ſaid Inhabitants and their Eſtates, the Sum ſet upon them in the Province Tax *Anno Domini* One Thouſand ſeven Hundred and fifty two, and that the Conſtable or Conſtables or Collectors who ſhall be choſen for the Year One Thouſand ſeven Hundred and fifty three, be and hereby are impowred and directed to collect the ſame, and pay it into the Province Treaſury as ſoon as may be.

Inhabitants to be taxed.

Meeting to be called.

And be it further enacted, That Mr. *James Cargill* be and hereby is impowred to notify and warn the Inhabitants of ſaid Diſtrict qualified by Law to vote in Town Affairs, to meet at ſuch Time and Place as he ſhall appoint, to chuſe all ſuch Officers as ſhall be neceſſary to manage the Affairs of ſaid Diſtrict.

BOSTON: Printed and Sold by S. Kneeland and T. Green, by Order of His Honour the Lieut. Governour, Council and Houſe of Repreſentatives. 1753.



An Act,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay*, in *New-England*: Begun and held at *Boston*, in the County of *Suffolk*, upon Wednesday the thirtieth Day of *May* 1753. and continued by Prorogations to Wednesday the fifth Day of *September* following, and then met.

CHAP. V.

An Act for setting off the Inhabitants as also Estates of the Proprietors of that Part of the Precinct of *Salem* and *Beverly* (so called) which is Part of *Salem*, to the Town of *Beverly*.

Divers Inhabitants set off from *Salem* to *Beverly*.

BE it enacted by the Governour, Council and House of Representatives, That all the Inhabitants with their Estates, and the Estates of the Proprietors of that Part of said Precinct which is Part of *Salem* by the same Bounds as it was heretofore set off to make the Precinct of *Salem* and *Beverly*, be and hereby are set off and annexed to the Town of *Beverly*, and made Part and Parcel thereof, to do Duty and receive Privileges therein for the future with the rest of the Inhabitants of the said Town of *Beverly*.

Money to be paid by *Salem* to *Beverly*.

Be it further enacted, That the Sum of *thirteen Pounds six Shillings and eight Pence* allowed by the Town of *Salem* to the aforesaid Inhabitants and Proprietors, agreable to the Vote of said Town on the nineteenth Day of *March* last, shall be paid into the Treasury of the Town of *Beverly*, for the Use and Service of said Town.

Part of *Salem* Tax set to *Beverly*.

Be it further enacted, That one tenth Part of the Province Tax, which according to the last Valuation was set upon the Town of *Salem*, shall hereafter be taken off from the Town of *Salem*, and laid upon the

Town of *Beverly* : And the Treasurer of the Town of *Beverly* shall pay into the Treasury of the Town of *Salem* one tenth Part likewise of the Sum of the Province Tax set on the Town of *Salem* the current Year, being the said Inhabitants and Proprietors Proportion of said Tax.

Charge of High-Ways to be born by *Beverly*.

And be it further enacted, That all Charges for repairing the High-Ways in *Salem* Part of said Precinct, or otherwise since the nineteenth Day of *March* last, shall be borne and paid by the Town of *Beverly*, and assessed on the Estates and Inhabitants there accordingly : And the Inhabitants of that Part of said Precinct shall be exempted from paying any Taxes in the Town of *Salem* for Province, County, or Town Charges, from and after the said nineteenth Day of *March* last.

BOSTON: Printed and Sold by **S. Kneeland** and **T. Green**, by Order of the Governour, Council and House of Representatives. 1753.

Acts and Laws,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*: Begun and held at *Boston* in the County of *Suffolk*, upon the thirtieth of *May* 1753, and from thence continued by Prorogations to Tuesday the fourth Day of *December*, 1753.

CHAP. VI.

An Act to incorporate *William Starkey*, and others, by the Name of the *Marine-Society*.

Preamble.

WHEREAS a considerable Number of Persons that are or have been Masters of Vessels, have for many Years past associated themselves in the Town of Boston, *and the principal Ends of said Society are to improve the Knowledge of this Coast by their several Members upon their Arrival from Sea communicating their Observations Inwards and Outwards of the Variation of the Needle; the Soundings, Courses and Distances, and all other remarkable Things about it in Writing, to be lodged with the Society to make the Navigation more safe, and to relieve one another and their Families in Poverty or other Accidents in Life, which they are more particularly liable to; and for this End they have raised a considerable common Stock, out of which they have from Time to Time contributed largely to the aforesaid Purposes; and finding themselves under Difficulties and Discouragements in preserving the Designs of their Institution without an Incorporation, have by their Committee petitioned to this Court to be incorporated for the aforesaid Purposes; And whereas their Intention appears laudable and deserving Encouragement:*

Names of the Members of *Marine Society*.

Be it therefore enacted by the Governour, Council and House of Representatives, That *William Starkey, Edward Cahill, Isaac Freeman, Richard Humphrys, Edward Fryer, Moses Bennet, Jonathan Clarke, John Cullom, Joseph Prince, John Graham, Abraham Remmick, James Collingwood, John Church, Malachia Salter, John Cowley, John Jones, William Ellery, Adam Mc Neale, Thomas Oliver, Joshua Loring, Richard Wait, Nathaniel Howland, Francis Wells*, Esq; *Abraham Hammett, Francis Ingraham, Samuel Coverly, William Sharrad, Roger Passmore, Matthew West, Thomas Allison, William Orne, James*

James Hodges, Jonathan Bennet, Jonathan Fuller, Jeremiah Rogers, William Hutchinson, Benjamin Hallowell, Jun. *Joseph Inches, James Gould, Simon Tufts, Samuel Tufts, Giles Tidmarsh, Lewis Turner, Samuel Wells, William Ward, Daniel McCarty, Job Prince, James Hatch, Waffe Rand, Charles Giles, Peter Oliver, William Rhodes, David Bafchard, William Eggleston, George Briggs, John Bradford, John Cathcart, Chriſtopher Gardner, Henry Aitken, James Clarke, Joſeph Dummet, Thomas Auſton, James Belſon, William Gowen, Nehemiah Robbins, Henry Bethune, James Clouſton, Jonathan Waldo, William Coffin, Andrew Craige, Samuel Gallop, Nathanael Patten, Richard Mower, Jonathan Snelling, Philip Lewis, William Bathaw, James Kirkwood, William Gorden, Thomas Mitchell, Thomas Potts, John Phillips, John Simpſon,* Jun. *Abraham Francis, Patrick James, Nathanael Williams, Thomas Adams, John Gaffney, Edward Emerſon, Joſeph Trout,* the Members of ſaid Society, be incorporated and made a Body Politick for the aforeſaid Purpoſes, by the Name of the *Marine-Society* at *Boſton* in *New-England*; and that they, their Aſſociates and Succeſſors, have perpetual Succeſſion by ſaid Name, and have a Power of making By-Laws, for the Preſervation and Advancement of ſaid Body not repugnant to the Laws of the Government, with Penalties either of Diſranchiſement from ſaid Society, or of a Mulct not exceeding *Twenty Shillings*, or without Penalties as it ſhall ſeem moſt meet, and have Licence to make and appoint their common Seal; and be liable to be ſued, and enabled to ſue, and make Purchaſes, and take Donations of Real and Perſonal Eſtates for the Purpoſes aforeſaid, not exceeding the Sum of *Five Hundred Pounds* per Annum, and to manage and diſpoſe ſaid Eſtate as ſhall ſeem fit; and ſaid Society ſhall have a Maſter, Deputy-Maſter, Treaſurer and Clerk, and other Officers they ſhall think proper.

Marine Society in *Boſton* incorporated.

And be it further enacted, That the ſaid *Marine-Society* ſhall on the firſt, ſecond, third and fourth Tueſdays of *February* next, aſſemble to appoint their firſt Maſter, Deputy-Maſter, Treaſurer and Clerk, and other Officers they ſhall think proper, and their Seal, and make By-Laws; and ſaid Officers ſhall continue till the firſt Tueſday in *November* next, on which Day the ſaid *Marine-Society* ſhall meet and annually afterwards on ſaid Day of the Month of *November* at *Boſton*, to chuſe a Maſter, Deputy-Maſter, Treaſurer and Clerk, and other Officers they ſhall think proper, and to make, alter and annul their By-Laws; and if by Reaſon of any Emergency the Buſineſs of ſaid annual Aſſembly cannot be compleated on the ſaid Day, they may adjourn once to a ſhort Day to finiſh it, and no more; and ſaid Society ſhall meet at ſaid *Boſton* on the firſt Tueſday of every Month for all other Buſineſs; and when ever any of the Officers of ſaid Society ſhall die or be diſabled or remove out of the Government, others ſhall be appointed or elected in their Room at the next Meeting: And all Inſtruments which ſaid Society ſhall lawfully make, ſhall when in the Name of ſaid Society and purſuant to the Votes thereof, and ſigned and delivered by the Maſter, Deputy-Maſter, Treaſurer and Clerk, and ſuch other Officers and Perſons as the ſaid Society ſhall appoint, and ſealed with their common Seal, bind ſaid Society and be valid in Law; and the Commander in Chief of this Province is hereby authorized to give a Charter of Incorporation under the Province Seal to the aforenamed Perſons and their Aſſociates accordingly.

Regulation of their Meetings.

Matters to be therein tranſacted.

The Governour impowered to grant a Charter.

CHAP.

CHAP. VII.

An Act in Addition to an Act entitled An Act impowering Justices of the Peace to decide Differences not exceeding *Forty Shillings*.

Preamble.

WHEREAS in and by an Act made and passed in the ninth Year of his late Majesty King William the Third, impowering Justices of the Peace to decide Differences not exceeding Forty Shillings; it is among other Things provided, that all Justices shall keep fair Records of all their Proceedings from Time to Time; but no Provision is therein made in Case of a Justice's Death for executing a Judgment given and recorded by him, which remains unsatisfied at the Time of his Decease:

Writ of *Scire Facias* to be issued on the Judgment of a deceased Justice.

Be it therefore enacted by the Governour, Council and House of Representatives, That where Judgment is or shall be given by a Justice of the Peace in any Civil Action of which by Law he had Cognizance, and a fair Record thereof made by him; if the same remains unsatisfied at the Time of his Decease, it shall and may be lawful for any Justice of the Peace of the same County (upon Application made to him by the Party who recovered the Judgment) to issue out a Writ of *Scire Facias* thereon, returnable to himself in seven Days; and upon the Debtor's Default of Appearance, or not shewing just Cause to the contrary, the same Justice may award Execution of such Judgment, returnable to himself in thirty Days, and likewise award reasonable Costs on the *Scire Facias*; provided that no Writ of *Scire Facias* shall be granted as aforesaid, unless Application be made therefor within twelve Months after the Decease of the Justice before whom the Judgment was recovered.

Persons having such Judgments in Keeping to deliver an attested Copy.

And be it further enacted, That any Person who hath in his or her keeping the Records of a deceased Justice (being requested by the Party who hath a Judgment there entered as aforesaid, and being tendered a reasonable Sum for his or her Time and Trouble) shall without Delay deliver an attested Copy of such Records to the Person requesting the same, which Copy certified on Oath, shall be received and accounted as sufficient Evidence, as if the Justice was then living; And if he or she shall neglect it by the Space of three Days, he or she shall for his or her Neglect forfeit the Sum of *Three Pounds*, to the Use of the Party aggrieved, to be by him recovered in an Action of Debt in any of his Majesty's Courts of Record.

Penalty for Neglect or Refusal.

And whereas in and by an Act made and passed in the second Year of the Reign of her late Majesty Queen Anne, *entitled* An Act relating to Executors and Administrators, *Provision is made in Case of Waste for awarding Execution against an Executor or Administrator of his own proper Goods or Estate on a* Scire Facias *to be issued out of the Clerk's Office of the same Court, where Judgment has been recovered against the Estate of a Testator or Intestate, but no Provision hath been made in like Cases cognizable before a Justice of the Peace:*

Justices of Peace impowred to issue such Writs of *Scire Facias*.

Be it therefore further enacted, That in all such Cases, it shall and may be lawful for a Justice of the Peace to issue out a Writ of *Scire Facias*, and award Execution thereupon in like Manner as may be done in any Court of Record, by Vertue of the Provision in the Act last mentioned.

CHAP.

CHAP. VIII.

An Act for the more easy recovering the Charges that attend the Partition and Settlement of Real Estate, and to cause the Persons interested in such Estates to be duly notified before Partition be ordered.

WHEREAS *it sometimes happens that some of the Persons interested in real Estates refuse to pay their rateable Proportion of the necessary Charge which attends the dividing or settling the same:*

Warrant of Distress to be issued on Persons refusing to pay Charges on the Division of Estates.

Be it therefore enacted by the Governour, Council and House of Representatives, That when and so often as Partition shall be made of any real Estate by the Rules of the Common Law, and when and so often as any real Estate shall be settled or divided, agreable to the special Provision made by the Laws of this Province, in any and every such Case when any one or more of the Parties interested shall neglect or refuse to pay their just Proportion of the Charge which may attend such Division or Settlement, it shall and may be lawful for the Court by which such Division or Settlement shall be made, to issue forth a Warrant of Distress against any Delinquent or Delinquents interested as aforesaid.

Proviso.

Provided, an Account of such Charge be first laid before the said Court, and the just Proportion of the Persons interested setled and allowed, they having been duly notified to be present at such Settlement or Allowance, if they see Cause.

Superiour Court to notify Persons concerned before Estates be divided.

And be it further enacted, That when and so often as any Petition shall be prefer'd to the Justices of the Superiour Court to order Partition of any real Estate held in common and undivided, the said Justices shall not proceed to order such Partition until it shall be made appear to them that the several Persons interested in such Estate, and living within this Province, or the Attorneys of such as are absent and have Attorneys residing within this Province, have been duly notified of such Petition, and have had Opportunity to make their Exception to the granting the same.

CHAP. IX.

An Act in Addition to an Act made in the fifth Year of her late Majesty Queen *Anne*, entitled, An Act for a new Choice of Town Officers on special Occasions.

Preamble.

WHEREAS *in and by said Act it is provided, that in Case of the Non-acceptance, Death or Removal of any Person chosen to Office in any of the Towns in this Province, at their annual Meeting in* March, *the said Towns may upon due Warning given and Notice of the Occasion, chuse any Officer or Officers to fill up such Vacancy, but by said Act no Provision is made respecting Precincts, from which Inconveniencies have often happened:*

Precincts to have the same Power in chusing Officers Towns have.

Be it therefore enacted by the Governour, Council and House of Representatives, That from and after the tenth Day of *January* next, the several Precincts within this Province shall have and enjoy the same Power and Privileges in the chusing any Officer or Officers where such Vacancy happens in them, as Towns by Law are invested with.

CHAP.

CHAP. X.

An Act in Addition to an Act entitled An Act against diminishing or counterfeiting Money.

Preamble.

WHEREAS *in and by an Act made and passed in the twenty third Year of his present Majesty's Reign, entitled,* 'An Act against diminishing or counterfeiting Money," *it is among other Things provided, that when any Person shall be convicted of any of the Offences therein mentioned at the Supericur Court of Judicature, Court of Assize and General Goal Delivery; every such Person shall be fined at the Discretion of the said Court; And whereas it sometimes happens that such Offender is not able to pay the adjudged Fine, or so much as the Costs of Prosecution:*

Persons convicted for counterfeiting or diminishing *Money* to be sold for in Case.

Be it enacted by the Governour, Council and House of Representatives, That when any Person shall be convicted as aforesaid, and thereupon sentenced by the said Court to pay a Fine, if such Offender shall be unable, or shall refuse to pay the same, together with the Costs of Prosecution, the Sheriff of the County where such Offender shall have been so convicted, shall be and hereby is impowred to dispose of said Offender in Service to any of his Majesty's Subjects for such Term as shall be assigned by the Court aforesaid, not exceeding the Space of ten Years; And the Sheriff shall pay the Money thereby raised into the publick Treasury, having first deducted so much as shall be necessary to pay the Cost of Prosecution.

CHAP. XI.

An Act for incorporating the Plantation called *Bedford* in the County of *Hampshire* into a seperate District by the Name of *Granville*.

Preamble.

WHEREAS *it is represented to this Court, that the Inhabitants of said Plantation labour under great Difficulties and Inconveniencies by Reason of their not being invested with the Privileges of a District:* Therefore,

Bounds of *Granville* District.

Be it enacted by the Governour, Council and House of Representatives, That the whole of the Tract of Land in the County of *Hampshire*, called *Bedford*, bounding as follows, *viz.* Beginning at a large Heap of Stones at the South East Corner of said Tract, on the Line of the Colony of *Connecticut*, thence running North 10 Degrees, East 448 Perch, to a Pine Tree marked, thence North 17 Degrees, West 90 Perch, thence North 160 Perch, thence North 35 Degrees, East 123 Perch, thence North 24 Degrees, East 210 Perch, to a Heap of Stones over *Man's* Brook; thence North 4 Degrees, East 200 Perch, to a Heap of Stones with a Chesnut Staddle marked, thence North 11 Degrees, West 164 Perch, to a large Heap of Stones, thence North 200 Perch, to the North East Corner of the said Tract, being two small Chesnut Staddles, marked with Stones about them; from thence West 22 Degrees, North 916 Perch on *Westfield* Line, to the South East Corner of *Blanford*, being a Birch Tree marked on the Bank of a Brook, thence on said *Blanford* Line West 20 Degrees, North 2240 Perch to the South West Corner of said *Blanford*, thence the same Course 660 Perch, to a Hemlock Tree marked with Stones about it on the West Branch of *Farmington* River, and is the North West Corner of said Tract, from thence bounding on said West Branch of *Farmington* River, as the same runs to a great Hemlock Tree at the Colony Line, being the South West Corner of said Tract, from thence on the said Colony Line East 9 Degrees, South 3220 Perch to the first Station; be and hereby is erected into a distinct and seperate District by the Name of *Granville*.

Privileges. And that the Inhabitants thereof be and hereby are invested with all the Powers, Privileges and Immunities that Towns in this Province by Law do or may enjoy, that of sending a Representative to represent them at this Court only excepted.

Proviso. Provided that nothing in this Act shall be understood or so construed as in any Manner to superceed or make void any Order or Orders of this Court now in Force respecting the Method of making Assessments within said Plantation; but that the same shall remain and be as effectual as if this Act had not been made.

Power for calling a Meeting. **And be it further enacted**, That *John Worthington*, Esq; be and hereby is impowred to issue his Warrant to some principal Inhabitant of the said Plantation, requiring him in his Majesty's Name to warn and notify the said Inhabitants qualified by Law to vote in Town Affairs, that they meet together at such Time and Place in said Plantation as by said Warrant shall be appointed, to chuse such Officers as may be necessary to manage the Affairs of said District, and the said Inhabitants being so met, shall be and hereby are impowred to chuse such Officers accordingly.

CHAP. XII.

An Act for erecting the North Parish in the Town of *Sunderland* into a seperate District by the Name of *Montague*.

Bounds of *Montague* District. **Be it enacted by the Governour, Council and House of Representatives**, That the said North Parish in *Sunderland*, bounding as follows; To begin at *Connecticut* River twenty Rods North of the Mouth of *Slate-Stone* Brook, from thence East to the East Side of the Town Bounds, thence on the Line of the said Town to the North East Corner of the Town Bounds, and from thence North to *Millers* River, from thence Westerly by *Millers* River to the Mouth thereof where it enters into *Connecticut* River, and from thence by *Connecticut* River, unto the first mentioned Bounds; be and hereby is erected into a seperate District by the Name of *Montague*; and that the said District be and hereby is invested with all the Privileges, Powers and Immunities that Towns in this Province by Law do or may enjoy, that of sending a Representative to the General Assembly only excepted; and that the Inhabitants of said District shall have full Power and Right from Time to Time to join with the said Town of *Sunderland* in the Choice of a Representative, in which Choice they shall enjoy all the Privileges which by Law they would have been entitled to, if this Act had not been made, and that the said District shall from Time to Time pay their proportionable Part of the Expence of such Representative, according to their respective Proportions of the Province Tax; and that the said Town of *Sunderland* as often as they shall call a Meeting for the Choice of a Representative shall give seasonable Notice to the Clerk of said District for the Time being, of the Time and Place of holding such Meeting, to the End that the said District may join them therein; and the Clerk of said District shall set up in some publick Place in said District a Notification thereof accordingly.

Privileges.

Proviso. *Provided nevertheless*, **and be it further enacted**, That the said District shall pay their Proportion of all Town, County and Province Taxes already set or granted to be raised on said Town, as if this Act had not been made.

Power for calling a Meeting. **And be it further enacted**, That *Elijah Williams*, Esq; be and hereby is impowred to issue his Warrant to some principal Inhabitant in said District, requiring him to notify and warn the Inhabitants of said District qualified by Law to vote in Town Affairs to meet at such Time and Place as shall be therein set forth, to chuse all such Officers as shall be necessary to manage the Affairs of said District.

BOSTON: Printed and Sold by *S. Kneeland* and *T. Green*, by Order of His Excellency the Governour, Council and House of Representatives. 1754.

Acts and Laws,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay*, in *New-England*: Begun and held at *Boston*, in the County of *Suffolk*, upon Wednesday the thirtieth Day of *May* 1753, and continued by Prorogations to Wednesday the twenty-seventh Day of *March* following, and then met.

CHAP. XIII.

An Act for establishing and confirming divers Writs and Processes issued out of the Office of the Clerk of the Inferiour Court of Common Pleas for the County of *Essex*, since the twenty-fourth Day of *January* last, so far as relates to the Teste which such Writs and Processes bear.

Preamble.

WHEREAS in and by an Act passed in the thirteenth Year of King William *the Third, Intitled*, An Act prescribing Forms of Writs in Civil Causes, *it is among other Things provided*, That all Original or Judicial Processes or Writs issuing out of the Clerk's Office of the Inferiour Court of Common Pleas, shall bear Teste of the first Justice named in the Commission for holding such Court, and upon any Vacancy by his Death or Removal, then of the Justice next named in the said Commission for the Time being; *And whereas on the twenty fifth Day of* January 1754, *upon the Resignation of* Timothy Lindall, *Esq; first Justice of the Inferiour Court of Common Pleas for the County of* Essex, Henry Gibbs, *Esq; was Commissioned to be one of the Justices of the said Court in the Room and Stead of the said* Timothy Lindall; *notwithstanding which, divers Processes and Writs have issued out of the Office of the Clerk of the said Court, dated on or since the said twenty fifth Day of* January, *bearing the Teste of the said* Timothy Lindall, *whilst others have born the Teste of* Thomas Berry, *Esq; the next eldest Justice in the Commission for the said Court, as by Law they ought to do:* Wherefore,

For removing all Exceptions againſt the Validity of ſuch Proceſſes and Writs bearing the Teſte of *Timothy Lindall* ſo far as relates to the ſaid Teſte:

Writs &c. bearing Teſte *Tim. Lindall*, Eſq; in *Eſſex* Inferior Court confirmed.

Be it enacted by the Governour, Council and Houſe of Repreſentatives, That all Writs and Proceſſes whatſoever, at any Time iſſued from the Office of the Clerk of the Inferiour Court of Common Pleas for the County of *Eſſex*, and dated ſince the twenty-fourth Day of *January* 1754, bearing the Teſte of *Timothy Lindall*, Eſq; late firſt Juſtice of ſaid Court, ſhall be deemed, and they are hereby declared to be to all Intents and Purpoſes whatſoever as valid and effectual in Law as if ſaid Writs and Proceſſes had bore the Teſte of *Thomas Berry*, Eſq; the next Juſtice in Commiſſion for ſaid Court, as according to the true Intent and Meaning of the aforeſaid Act of the thirteenth of King *William* the third, they ſhould and ought to have done.

CHAP. XIV.

An Act for altering the Times appointed for holding the Superiour Court of Judicature Court of Aſſize and General Goal Delivery within and for the Counties of *Eſſex* and *York*, and alſo for altering ſome of the Courts of General Seſſions of the Peace and Inferiour Courts of Common Pleas within and for the Counties of *Plymouth*, *Barnſtable* and *York*.

Preamble.

WHEREAS the Times by Law appointed for holding the Superiour Court of Judicature Court of Aſſize and General Goal Delivery at Ipſwich *within and for the County of* Eſſex, *and at* York *within and for the County of* York, *and the holding the Courts of General Seſſions of the Peace, and the Inferiour Court of Common Pleas the third Tueſday of* September, *within and for the County of* Plimouth; *and the holding the Courts of General Seſſions of the Peace and the Inferiour Courts of Common Pleas on the laſt Tueſday of* June, *the third Tueſday of* October, *and the third Tueſday of* January, *within and for the County of* Barnſtable; *and the holding the Court of General Seſſions of the Peace and the Inferiour Court of Common Pleas within and for the County of* York *on the firſt Tueſday of* July, *are found inconvenient:*

Superior Court in *Eſſex* and *York* Countys alter'd.

Be it therefore enacted by the Governour, Council and Houſe of Repreſentatives, That the Time for holding the Superiour Court of Judicature Court of Aſſize and General Goal Delivery at *Ipſwich* for the County of *Eſſex*, ſhall henceforth be the ſecond Tueſday of *June* annually; and the Time for holding the ſaid Court at *York* for the County of *York* ſhall henceforth be the third Tueſday of *June* annually; And the Time for holding the Court of General Seſſions of the Peace and the Inferiour Court of Common Pleas within and for the County of *Plymouth*, ſhall henceforth be the laſt Tueſday of *September* annually; and the Times for holding the ſaid Courts of General Seſſions of the Peace and the Inferiour Courts of Common Pleas within and for the ſaid County of *Barnſtable*, ſhall henceforth be the ſecond Tueſday in *May*, the third Tueſday in *September*, and the firſt Tueſday in *December* annually; And the Time for holding the Court of General Seſſions of the Peace and the Inferiour Court of Common Pleas within and for the County of

of *York*, shall henceforth be the second Tuesday of *July* annually; And all Officers and other Persons concerned are required to conform themselves accordingly.

Appeals &c. to the Superior Court already taken out for *Essex* and *York* to be returned at the alter'd Time.

And be it further enacted, That all Appeals, Writs of Review, Recognizances, Warrants and other Processes already issued taken or depending in the said Counties of *Essex* or *York*, which were to have been returned or proceeded on at the Times heretofore appointed by Law for holding the said Superiour Courts at *Ipswich* or *York*, shall be valid and stand good to all Intents and Purposes in the Law, and shall be returned and proceeded on at the Times appointed by this Act for holding the said SuperiourCourts respectively.

Writs Appeals &c. already issued for the Inferior Court for *Barnstable* to be proceeded on in the next Term.

And be it further enacted, That all Appeals, Writs, Recognizances, Warrants, and other Processes already issued taken or depending in the said County of *Barnstable*, which were to have been returned or proceeded upon at the Time heretofore appointed by Law for holding the said Court of General Sessions of the Peace and Inferiour Court of Common Pleas at *Barnstable* on the last Tuesday of *June*, shall be valid and stand good to all Intents and Purposes in the Law, and shall be returned and proceeded on at the Time appointed by this Act for holding said Court of General Sessions of the Peace and Inferiour Court of Common Pleas on the third Tuesday of *September* next.

The like for the Inferior Court in *York*.

And be it further enacted, That all Appeals, Writs, Recognizances, Warrants and other Processes already issued, taken or depending in the said County of *York*, which were to have been returned or proceeded on at the Time heretofore appointed by Law for holding the said Court of General Sessions of the Peace and Inferiour Court of Common Pleas at *York* on the first Tuesday of *July*, shall be valid and stand good to all Intents and Purposes in the Law, and shall be returned and proceeded on at the Time appointed by this Act for holding said Court of General Sessions of the Peace and Inferiour Court of Common Pleas on the second Tuesday of *July* next.

CHAP. XV.

An Act in further Addition to the Act for Limitation of Actions, and for avoiding Suits in Law, where the Matter is of long Standing.

Preamble.

WHEREAS by a Law of this Province, entitled An Act in further Addition to the Act for the Limitation of Actions and for avoiding Suits at Law where the Matter is of long Standing, *made and passed in the twenty-fifth Year of his present Majesty's Reign, the Time limitted for commencing all Actions of Account and upon the Case, excepting such as are excepted in another Act, Entitled* An Act in Addition to and for the Explanation of an Act Intitled An Act for the Limitation of Actions and avoiding Suits at Law where the Matter is of long Standing, *made and passed in the twenty-second Year of his present Majesty's Reign, will expire in* September *next: And whereas it is almost impracticable to have such Accounts and Actions settled within the Time now limitted by Law for that Purpose:*

Time continued for commencing Actions upon the Case Notes of Hand and Book Accounts.

Be it therefore enacted by the Governour, Council and House of Representatives, That the Time for commencing of Actions of the Case, upon Notes of Hand, or upon Book Accounts, limitted by the said Act of the twenty-second, or by said Act made in the twenty-fifth Year of his present Majesty's Reign, shall be and is hereby extended to the last Day

of

of *March*, which will be in the Year of our Lord One Thousand seven Hundred and fifty six; and no Suit hereafter to be brought in such Cases shall be barred, if commenced before the Expiration of said Term.

This Act to be read in Town Meetings.

And that this Law may be more generally known, Be it further enacted, That the Clerk of every Town and District within this Province shall read or cause the same to be read in their respective Towns and Districts, at their Anniversary Meetings in *March* and *May* annually; And the Justices of the several Courts of Common Pleas within the respective Counties, shall cause the same to be publickly read at the opening of their Courts from Time to Time after the Publication of this Act, and until the last Day of *March* One Thousand seven Hundred and fifty six.

And

At the Sessions of the Peace.

CHAP. XVI.

An Act for erecting a new Town within the County of *Middlesex* by the Name of *Lincoln*.

Preamble.

WHEREAS *the Inhabitants of the Easterly Part of* Concord, *the Southwesterly Part of* Lexington, *and the Northerly Part of* Weston, *have addressed this Court, setting forth the many Difficulties they now labour under, which might be effectually remedied if they were constituted a Township:*

A new Town make called *Lincoln*.

Be it therefore enacted by the Governour, Council and House of Representatives, That the Easterly Part of the said Town of *Concord*, the Southwesterly Part of the said Town of *Lexington*, and the Northerly Part of the said Town of *Weston*, as hereafter set forth and described, be and hereby are set off, constituted and erected into a seperate and distinct Township by the Name of *Lincoln*: The Bounds of the said Township to be as follows, *viz.* To begin at *Concord-River* where the Line goes over said River between *Concord* and *Sudbury*, and runs down said River to a Brook that runs out of *Well-Meadow* (so called), from thence to the Southeasterly Side of *Walden-Pond* (so called), from thence to the Northwesterly Corner of a Lot of Land lately belonging to *Daniel Brooks* on the South Side of the Country Road, then running Easterly with the Country Road, (one Half whereof to belong to and be maintained by each Town) until it comes to *Joshua Brooks's* Tann-House, and from the Northwest Corner of said Tann-House to the Northwest Corner of *John Wheat's* Land adjoining to *Benjamin Wheeler's* Land, and thence by said *Wheeler's* Land to *Bedford* Line, and by *Bedford* Line to *Concord* Corner, adjoining to *Lexington*, and from thence in a strait Line to a little Bridge in the Country Road a little Westerly of *Thomas Nelson's* House, thence to the Top of a little Hill Eastward of *Nehemiah Abbot's* House, thence to *Waltham* Northwest Corner including *Elisha Cutler's* Land, from thence on *Waltham* Line to the Southwest Corner of *John Bemis's* Land, thence running South to the South East Corner of *Benjamin Brown's* Land, thence turning and running Westerly by said *Brown's* Land to a Stake and Heap of Stones, being the North West Corner of *Bradyl Smith's* Land, thence to a Rock in the Squadron Line a little Northwest of the School-House, thence to the Corner of the Wall on the North Side of *Concord* Road (so called) being upon the Division Line between *Theophilus Mansfield* and *Josiah Parks*, thence running South upon the Division Line between said *Mansfield* and said *Parks* to the Squadron Line, thence in the same Course to the Division Line between *Nathanael Allen* and *Ephraim Parks*, thence Westerly by the Division Line between said *Allen* and said *Parks* till it comes to a Town Way, thence Westerly in a strait Line a-cross a Corner of said *Parks's* Land to a Heap of Stones, being a Corner between said *Allen* and said *Parks*, thence Westerly between said *Allen* and the said *Parks*, till it comes to *Abbot's* Meadow, thence

Bounds of said Town.

thence in the same Course to *Sudbury* Line, and by said Line to the Place first mentioned: And that the Inhabitants of the said Land as before bounded and described, be and hereby are vested and endowed with the Powers, Priviledges and Immunities that the Inhabitants of any of the Towns within this Province are or ought by Law to be vested or endowed with.

Lincoln Inhabitants to pay their Proportion of Charges &c.

Provided that the Inhabitants of the said Town of *Lincoln* shall pay their Proportion (agreable to what the Inhabitants taken off by the said Town of *Lincoln* from the Town of *Concord* paid in the last Tax) of the Charges that may hereafter arise in building or repairing of a Bridge or Bridges over the great River in the Town of *Concord* and the said Town of *Lincoln*; and also their Proportion of the Charges of maintaining any poor Person or Persons that are now out of the Town of *Concord*, but by Reason of their former Residence there, may become a Charge to the said Town of *Concord*.

Proviso.

Provided also, **and be it further enacted**, That the said several Inhabitants taken from the Towns of *Concord*, *Lexington* and *Weston* by this Act, shall pay their Proportion of all Town, County, Precinct and Province Taxes already assessed on said Towns or Precincts, as if this Act had not been made.

Power for calling a Meeting.

And be it further enacted, That *James Minot*, Esq; be and hereby is directed and impowered to issue his Warrant to some principal Inhabitant in said Town of *Lincoln*, requiring him to notify and warn the Inhabitants of the said Town of *Lincoln*, qualified by Law to vote in Town Affairs, to meet at such Time and Place as shall therein be set forth, to chuse all such Officers as Towns chuse in the Month of *March* annually, and said Officers shall be enjoined to take the Oaths now required by Law to be taken by Town Officers.

CHAP. XVII.

An Act for dividing the Town of *Concord* and making a District of the Northerly Part thereof by the Name of *Carlisle*.

WHEREAS the Inhabitants of the Northerly Part of the Town of Concord *by Reason of their being remote from the Place of the publick Worship of GOD, have petitioned this Court to be set off a seperate District:*

Bounds of *Carlisle* District.

Be it enacted by the Governour, Council and House of Representatives, That the Northerly Part of the Town of *Concord* within the following Bounds, *viz.* Beginning at *Concord* River at the Mouth of *Ralph's* Brook (so called) and running Westerly to a white Oak Tree on or by the High-Way on the Easterly Side of *Hunt's* Hill, otherwise called *Gravel-Hill*, thence still Westerly to a Heap of Stones by the Wall in the High-way about four Rods Northerly of *Daniel Coles* Barn, and so extending on a streight Line to a Way a little Westerly of *Richard Temple's* House, and then running Northerly by said Way which leads toward *Acton* Line till it comes to *Benjamin Temple's* Land, thence running to *Acton* Line (so as to take into the new District the said *Benjamin Temple's* Land) and from thence bounded on *Acton* and *Billerica* until it comes to *Concord* River, taking in *Blood's* Farm so called, and then on *Concord* River to where the Line first began; Be and hereby is set off from the said Town of *Concord*, and erected into a seperate and distinct District by the Name of *Carlisle*: And that the Inhabitants thereof do the Duties that are required, and be invested with all the Powers, Priviledges and Immunities which the Inhabitants of any Town

within this Province do or by Law ought to enjoy; excepting only the Privilege of chusing a Representative to represent them in the Great and General Court, in chusing of whom the Inhabitants of said District shall join with the Inhabitants of the Town of *Concord* as they have heretofore done, and also in paying said Representative; And that the Town of *Concord* as often as they shall call a Meeting for the Choice of a Representative, shall give seasonable Notice to the Clerk of said District for the Time being of the Time and Place of said Meeting, to the End that the said District may join them therein: And the Clerk of said District shall set up in some publick Place in said District a Notification thereof accordingly: Provided nevertheless the said District shall pay their proportionable Part of all such Town, County, Parish and Province Charges as are already assessed in like Manner as though this Act had never been made.

Carlisle Inhabitants to pay their Proportion of the Great-Bridge.

And be it further enacted, That the Inhabitants of the said District shall from Time to Time for ever hereafter pay their proportionable Part of the Charge of keeping in good Repair the great North-Bridge (so called) over *Concord River*; And that *James Minot*, Esq; is hereby impowered to issue his Warrant directed to some principal Inhabitant in said District, requiring him to warn the Inhabitants of said District qualified by Law to vote in Town Affairs, to meet at such Time and Place as shall be therein set forth, to chuse all such Officers as shall be necessary to manage the Affairs of said District.

Power for calling the first Meeting.

CHAP. XVIIII.

An Act for incorporating the Plantation called *Quabin* in the County of *Hampshire* into a Town by the Name of *Greenwich*.

Preamble.

WHEREAS it is represented to this Court that the Inhabitants of the Plantation called Quabin *in the County of* Hampshire, *labour under great Difficulties and Inconveniencies by Reason of their not being invested with Priviledges of a Town:*

A new Town made called *Greenwich*.

Therefore be it enacted by the Governour, Council and House of Representatives, That the whole of that Tract of Land in the County of *Hampshire* called *Quabin*, bounded as follows, *viz.* Eastwardly on *Lamb's-Town*, Southerly on *Read*'s Land, Westerly partly on Equivalent Land, and partly on *Salem* Town, Northerly partly on *Salem* Town and partly on *White*'s Town; be and hereby is erected into a distinct and seperate Town by the Name of *Greenwich*; And that the Inhabitants thereof be and hereby are invested with all the Powers, Privileges and Immunities that Towns in this Province by Law do or may enjoy.

Bounds of said Town.

Proviso relating to Assessments.

Provided that nothing in this Act shall be understood or so construed as in any Manner to superseede or make void any Order or Orders of this Court now in Force respecting the Method of making Assessments within said Plantation, but that the same shall remain and be as effectual as if this Act had not been made.

Power for calling the first Meeting.

And be it further enacted, That *John Worthington*, Esq; be and hereby is impowred to issue his Warrant to some principal Inhabitant of the said Plantation, requiring him in his Majesty's Name to warn and notify the said Inhabitants qualified to vote in Town Affairs, that they meet together at such Time and Place in said Plantation as by said Warrant shall be appointed, to chuse such Officers as may be necessary to manage the Affairs of said Town; and the Inhabitants being so met, shall be and hereby are impowred to chuse such Officers accordingly; And the said *John Worthington*, Esq; is hereby appointed Moderator of said Meeting to order and regulate the same.

CHAP.

CHAP. XIX.

An Act for erecting a Town in the County of *Worcester* at a Plantation called *Nichewoag*, by the Name of *Petersham*.

Preamble.

WHEREAS *the Plantation commonly called* Nechewoag *in the County of* Worcester, *is compleatly filled with Inhabitants, who have built and finished a convenient Meeting-House for the publick Worship of GOD, and have settled a learned Protestant Minister amongst them, and have addressed this Court to be erected into a seperate and distinct Township, to hold and enjoy equal Powers and Privileges with the other Towns in the Province:*

A new Town called *Petersham*.

Be it enacted by the Governour, Council and House of Representatives, That the Plantation of *Nichewoag* in the County of *Worcester*, as the same is hereafter bounded and described, be and hereby is set off and constituted a seperate and distinct Township by the Name of *Petersham*: The Bounds of said Township being as follows, *viz.* Beginning at a Heap of Stones on *Rutland* District Northwest Line, and running six Miles from the Northerly Corner thereof; from thence running North thirty four Degrees West by the Needle One Thousand eight Hundred and twenty four Perch to a Beach Tree with Stones; from thence running West thirty five Degrees South Two Thousand one Hundred and twenty eight Perch to the West Angle, from thence running South thirty six Degrees East One Thousand six Hundred and fifty Perch to a Heap of Stones the Westerly Corner of said *Rutland* District; and from thence on *Rutland* District Northwest Line to where it began: And that the Inhabitants thereof be and hereby are vested and endowed with equal Powers, Priviledges and Immunities that the Inhabitants of any other Towns within this Province are or ought by Law to be vested or endowed with.

Bounds of said Town.

And be it further enacted, That such of the Grantees as have not fully complied with the Conditions of Settlement be and hereby are subjected each one to pay a sixtieth Part of all Rates and Taxes that shall hereafter be laid on the Inhabitants of said Town as well as for the Support of the Ministry among them, and other Town Charges, until they have complied with the Conditions of Settlement.

Delinquent Proprietors to pay 60th Part of all Rates.

CHAP. XX.

An Act to enable the Justices of the Court of General Sessions of the Peace at their several Sessions in the County of *Dukes-County*, more effectually to regulate and keep up a constant Ferry from *Dukes-County* to *Falmouth* in the County of *Barnstable*.

Preamble.

WHEREAS *there is Provision already made by Law for the Justices in their Quarter Sessions throughout this Province to Licence Persons to keep Ferries, and state the Fairs or Prices of each Ferry both for Man and Beast, and to take Bond of each Ferry-man &c. but no Provision is made by Law to enable the Justices in their Sessions to lay a Tax on any County for the upholding and*

and maintaining of Ferries, either by building Boats, Wharves, Ways &c. where no particular Person or Persons will be at the Cost thereof; By Means whereof the said County of Dukes-County *is wholly destitute of a Ferry from said County (which is an Island) to the Main Land, whereby many Inconveniencies daily happen to those that have Occasion to go to and from said County:*

Quarter Sessions in *Dukes-County* to assess the Inhabitants for keeping a Ferry.

Be it therefore enacted by the Governour, Council and House of Representatives, That the Justices of the Court of General Sessions of the Peace at any of their Sessions hereafter to be held in and for said County of *Dukes-County*, are hereby enabled and directed to raise Monies and to assess the Inhabitants of said County of *Dukes-County* and their Estates, as well for the building of Ferry-Boats, making and maintaining suitable Wharves and Ways for Ferry Ways for the Conveniency of keeping a Ferry in said County, in as full and ample a Manner as the Justices in said Quarter Sessions are by Law already enabled to do for defreying the necessary Repairs of Bridges, Prisons, the Maintenance of poor Prisoners, and all other proper County Charges, and under the same Regulations and Restrictions.

Acts and Laws

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay*, in *New-England*: Begun and held at *Boston*, in the County of *Suffolk*, upon Wednesday the twenty-ninth Day of *May* 1754.

CHAP. I.

An Act for impowering the Corporation of *Harvard College* in certain Cases to alienate Lands or other Real Estate, and to make Sale of a Farm in *Billerica*.

Preamble.

WHEREAS the President and Fellows of Harvard-College, *by Virtue of the Charter of Incorporation granted them by the General Court of the late Colony of the* Massachusetts, *in the Year* 1650, *are impowered to purchase and acquire to themselves, or take and receive upon free Gift or Donation any Lands, Tenements or Hereditaments, not exceeding the Value of* Five Hundred Pounds *per Annum*; *but no Power is given them by the said Charter to alienate any Lands or other Real Estate whatsoever*; *which in some Cases may be necessary for promoting the good Ends designed in their Incorporation*:

President and Fellows of *Harvard College* impowered to make Sale of Lands.

Be it therefore enacted by the Governour, Council and House of Representatives, That where the President and Fellows of *Harvard College* are or shall become seized of any Lands, Tenements or Hereditaments by Virtue of a Judgment recovered on any Mortgage, or by Virtue of an Execution for the Satisfaction of a Judgment in any Personal Action (the Time allowed by Law for Redemption being expired) it may and shall be lawful for the said President and Fellows, and they are hereby authorized and impowered, with the Advice and Consent of the Overseers of said College, to make Sale of such Lands, Tenements and Hereditaments, or any Part thereof, and to execute Deeds effectual in Law for conveying the same, the Monies arising by such Sales to be applied to the Uses in the said Charter mentioned, and to no other Use or Purpose whatsoever.

And whereas it hath been represented to this Court, that it would be for the Interest of the said College, if Sale were made of a certain Farm or Tract of Land belonging thereto, which is situated in that Part of the Town of Billerica *called* Shawshin :

President &c. to make Sale of a Farm in *Billerica.*

Be it therefore enacted, That it shall be lawful for the President and Fellows of said College to make Sale of the said Farm or Tract of Land, and they are hereby authorized to give and execute a good and sufficient Deed or Deeds of Conveyance of the same ; the Proceeds of such Sale to be vested in other Real Estate, which they may judge will be of greater Advantage to that Society.

CHAP. II.

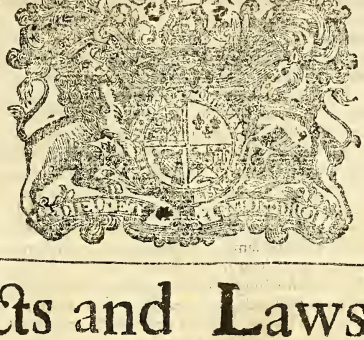
An Act to enable *John Payne* of *Boston*, Gentleman, to attest certain Records in the Probate Office of the County of *Suffolk.*

Preamble.

WHEREAS *the Records in the Probate Office of the County of* Suffolk *from the seventeeth Day of* February *One Thousand seven Hundred and forty three, until the first Day of* February *One Thousand seven Hundred and fifty four, have not been attested by the Register of Probates for said County ; And whereas* John Payne *of* Boston, *Gentleman, for and during the whole Term aforesaid, has acted as a Clerk in said Office, and all original Papers registred in the Books of said Office have by the said* Payne *been compared with the Registry or Records, before such Papers were delivered out of said Office :*

John Payne, Gentleman, impowred to attest Records.

Be it therefore enacted by the Governour, Council and House of Representatives, That the aforesaid *John Payne,* be and he hereby is fully authorized and impowered to attest the Books of Records of the said Probate Office, from the seventeenth Day of *February* One Thousand seven Hundred and forty three, until the first Day of *February* One Thousand seven Hundred and fifty four, having been first sworn to the faithful Performance of his Trust. And all Records in said Office during the Term aforesaid, so attested, shall be and are hereby declared to all Intents and Purposes as valid and effectual as if such Attestation had been made by the Register of Probate for said County, duly appointed by the Governour, with the Advice and Consent of the Council.



Acts and Laws

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*: Begun and held at *Boston* upon Wednesday the twenty-ninth Day of *May* 1754. And continued by Adjournment unto Thursday the seventeenth Day of *October* following.

CHAP. III.

An Act for the better securing and rendering more effectual Grants and Donations to pious and charitable Uses, and for the better Support and Maintenance of Ministers of the Gospel, and defreying other Charges relating to the publick Worship.

Preamble.

WHEREAS many Grants and Donations have heretofore been made by sundry well-disposed Persons, in and by such Expressions and Terms as plainly show it was the Intent and Expectation of such Grantors and Donors, that their several Grants and Donations should take Effect so as that the Estates granted should go in Succession: But Doubts have arisen in what Cases such Donations and Grants may operate, so as to go in Succession:

For ascertaining whereof,

Deacons and Church Wardens of Protestant Churches to take in Succession Grants and Donations &c.

Be it enacted by the Governour, Council and House of Representatives, That the Deacons of all the several Protestant Churches, not being Episcopal Churches, and the Church Wardens of the several Episcopal Churches, are and shall be deemed so far Bodies Corporate, as to take in Succession all Grants and Donations whether Real or Personal, made either to their several Churches, the Poor of their Churches, or to them and their Successors, and to sue and defend in all Actions touching the same; and

wherever the Ministers, Elders or Vestry shall in such Original Grants or Donations have been joined with such Deacons or Church Wardens as Donees or Grantees in Succession, in such Cases such Officers and their Successors, together with the Deacons or Church Wardens, shall be deemed the Corporation for such Purposes as aforesaid. And the Minister or Ministers of the several Protestant Churches of whatever Denomination are and shall be deemed capable of taking in Succession any Parsonage Land, or Lands granted to the Minister and his Successors, or to the Use of the Ministers, and of suing and defending all Actions touching the same; Saving that nothing in this Act shall be construed to make void any final Judgment of any Court of Common Law or Judge of Probate; saving also, that no Alienation of any Lands belonging to Churches hereafter made by the Deacons without the Consent of the Church or a Committee of the Church for that Purpose appointed, or by Church Wardens without the Consent of the Vestry, shall be sufficient to pass the same. And that no Alienation hereafter made by Ministers of Lands by them held in Succession shall be valid any longer than during such Alienors continuing Ministers, unless such Ministers be Ministers of particular Towns, Districts, or Precincts, and make such Alienation with the Consent of such Towns, Districts or Precincts, or unless such Ministers so aliening be Ministers of Episcopal Churches, and the same be done with the Consent of the Vestry. And the several Churches in this Province not being Episcopal Churches, are hereby impowered to chuse a Committee, to call the Deacons or other Church Officers to an Account, and if need be, commence and prosecute any Suits touching the same, and also to advise and assist such Deacons in the Administration of the Affairs aforesaid.

Ministers to take in Succession Parsonage Lands &c.

No Alienation to be made without Consent of the Church.

Limitation of the Income of Church Grants.

And be it further enacted, That the Income of the Grants made or to be made to any one such Body Politick for pious and charitable Uses, shall not exceed the Sum of *Three Hundred Pounds* per Annum; and also that all such Donations hereafter made by Deed, which shall not be recorded in the Register's Office in the County where the Lands lie three Calendary Months before the Death of the Donor; and all such Bequests or Devises which shall not be made before the last Sickness of the Person making the same, or at least three Months before the Death of the Testator, shall be utterly void and of no Effect: any Thing in this Act contained to the contrary notwithstanding.

And whereas the several Congregations in the Town of Boston, *and some others under the like Circumstances, are not by Law enabled by Vote to raise Money for the Support of the Ministry and publick Worship among them:*

Pews may be taxed for the Charge of the public Worship &c.

Be it further enacted, That in every such Case where Moneys cannot be raised as aforesaid for the Support of the Ministry and defreying the other Charges necessary for the upholding and maintaining of publick Worship, and Repairs of the House in which the same is performed, by Vertue of any Provision in the Laws already made for that Purpose; the Proprietors of the Pews or Persons to whom they are allotted in the several Houses for publick Worship, may, if they think fit, at a publick Meeting to be called for that Purpose by the Proprietors Clerk, Deacons or Church Wardens, and Notice thereof immediately after divine Service given ten Days at least before said Meeting, cause the several Pews in such Houses to be valued according to the Convenience and Situation thereof, and a new Estimate to be put upon said Pews from Time to Time, as shall be found necessary, and a Tax to be laid upon each Pew according to the Convenience and Situation thereof as aforesaid; provided the said Tax shall not exceed *two Shillings* per Week on any one Pew: the Money so raised to be applied towards the Support of the Ministry and other Charges necessary for maintaining publick Worship

Proviso, the Tax exceed not 2 *s.* per Week.

Worship or Repairs of the House; and that the said Proprietors may at a Meeting to be called as aforesaid, chuse a Clerk and Treasurer, and likewise appoint some suitable Persons to demand and receive the several Sums so assessed of the Owners of such Pews; And in Case of Denial on such Demand or Neglect of Payment three Months after such Demand, to sell the same, and after deducting such Taxes and Costs, to return the Surplus to the Owners. Proprietors to chose a Clerk, Treasurer &c.

Provided nevertheless, That when the Owner of any Pew shall make a Tender of the same to the Proprietors or to their Committee at the Valuation which shall have been last put thereon, and they shall refuse or neglect to accept the same, no Sum shall be deducted out of the Sale of said Pew, but such only as shall have become due before the making of such Tender.

CHAP. IV.

An Act for making an Addition to the second Precinct in the Town of *Brookfield* in the County of *Worcester*, and dividing the first Precinct in said Town into two Precincts.

Preamble.

WHEREAS it is made evident to this Court that the annexing some of the Inhabitants of the first Precinct in the Town of Brookfield with their Lands to the second Precinct in said Town, and the dividing the Remainder of said first Precinct into two Precincts, would serve very much to remove many Difficulties and Inconveniencies which divers of the Inhabitants of said first Precinct at present Labour under, and also very much to accomodate the greatest Part of the Inhabitants of said first Precinct;

Bounds of the second Precinct in *Brookfield*.

Be it therefore enacted by the Governour, Council and House of Representatives, That all the Lands in the present first Precinct in said Town lying Northward of a Line beginning at the North-East Corner of *George Herrington*'s Lands upon *Spencer* Line, and running Westward by his the said *George*'s Lands to five Mile River Bridge at the Country Road; from thence Westerly on the most Southwardly Parts and Lines of the Lands of *Thomas Slayton*, Captain *Nathaniel Woolcot*, *Thomas Moor*, *Ebenezer Jennings*, *John Jennings*, *Obadiah Rice*, *William Parks*, *Josiah Converse*, *Francis Dodge*, *Paul Dealand*, the Heirs of *John Green*, deceased, *Stephen Green* and *Joseph Ranger*, Junr. And from said *Ranger*'s South-West Corner, to the South-West Corner of *William Ayre*'s Meadow on *Coy's-Brook* (so called) near the Place where the Old School-House stood, and from thence Northward on the most Eastward Parts and Lines of the Land of *John Tuff*, and *Josiah Gilbert*, and on the most Westward Parts and Lines of the Land of *Jeremiah Woodbury*, and *John Hill*, to *Abner Tyler*'s Land, and from thence on the most Eastward Part and Lines of the Lands of *Jacob Abbot*, and *Joshua Dodge*, and *Joshua Dodge*, Junr. to the Center Line of said Town, and from thence all the Lands Eastward of that Part of said Center Line which is Northward of the Place where the above described Line meets with the said Center Line to *New-Braintree* District, be and hereby are annexed to the second Precinct in said Town of *Brookfield*, and that all those Persons that now are or hereafter may be Inhabitants on said Lands, be and hereby are incorporated with the second Precinct, and shall be always hereafter obliged to do all Precinct Duties, and shall receive all Precinct Priviledges in the said second Precinct.

Remainder of the Lands in *Brookfield* divided into two Precincts.

And be it further enacted, That the Remainder of the Lands in the said first Precinct in said Town of *Brookfield*, be divided into two Precincts; in

in Manner following, *viz.* The dividing Line shall begin at the South-East Corner of *Paul Dealand's* Land, and shall run from thence to the Country Road in said *Brookfield*, so as to take in and include all *John Rich's* Land where he dwells, into the West Precinct or Division, and from said Country Road, said dividing Line shall run in the Midst of the Town Road that leads Southward from said Country Road to the River called *Quaboag-River* to the South-East Corner of *Ephraim Bartlet's* Land, and from thence Westward Southward of all *Ephraim Bartlet's*, and *Obadiah Wright's* Land to *Quaboag-River*, and from thence the said River shall be the dividing Line down said River to the Mouth of *Salmon-Brook*, and from thence the dividing Line shall run strait to a large white Oak-Tree standing in the North-East Corner of a Tract of Land called the Mile-Square, said Tree being a Boundary between the Townships of *Brookfield* and *Western*, and that the Lands lying in the said Town of *Brookfield*, (and not included in the second Precinct) Westward of the above dividing Line, be and hereby are made a Precinct by the Name of *The first Precinct in the Town of Brookfield*; and that the Inhabitants of said Lands Westward of the said dividing Line above described, be and hereby are invested with all the Powers and Priviledges, and subjected to all the Duties that Precincts in this Province by Law are invested with and subjected to. And that the Lands lying in the said Town of *Brookfield*, (and not included in the second Precinct) Eastward of the above dividing Line, be and hereby are made a seperate Precinct by the Name of *The third Precinct in the Town of Brookfield*; and that the Inhabitants of the said Lands Eastward of the said dividing Line above described, be and hereby are invested with all the Powers and Priviledges, and subjected to all the Duties that Precincts in this Province by Law are invested with and subjected to.

Bounds of the first Precinct.

Bounds of the third Precinct.

And be it further enacted, That all the Inhabitants of the Lands which by this Act are made the first Precinct, and all the Inhabitants of those Lands which by this Act are annexed to the said second Precinct, be and hereby are and shall forever hereafter be exempted from paying or contributing any Part towards the Charges and Debts that have already arisen, or may hereafter arise by Reason of the Building the new Meeting-House, which has lately been erected in said Town, on the Lands by this Act made the third Precinct in said Town, any of the Votes of the late first Precinct notwithstanding; and that all the Materials of the old Metting-House, which was lately standing in said Town now taken down, be equally divided between the said three Precincts. And that all the Ministerial Revenues arising from all and any Lands lying in any Part of the said Town of *Brookfield* heretofore sequestred to the Use of the Ministry in said Town, shall be always hereafter equally divided between the said three Precincts: And that the Charge of the Committee who were appointed by this Court in *April* One Thousand seven Hundred and sixty four, to view the said Town, be born and paid by the Inhabitants of said Town.

Inhabitants of the first and second Precinct exempted from all Charges of the new Meeting House lately erected.

CHAP. V.

An Act for setting off the Inhabitants as also the Estates of the Westerly Part of *Oxford* into a seperate District by the Name of *Charlton.*

Be it enacted by the Governour, Council and House of Representatives, That the Inhabitants with their Lands on the Westerly Part of *Oxford*, beginning on the South Side of *Oxford*, one Mile West of the Village Line so called, thence running North Paralel with said Village

Village Line to *Oxford* North Line, be and hereby is set off and erected into a seperate District by the Name of *Charlton*; and that said District be invested with all the Powers, Priviledges and Immunities that Towns in this Province by Law do or may enjoy, that of sending a Representative to the General Assembly only excepted, and that the Inhabitants of said District shall have full Power and Right from Time to Time to join with the said Town of *Oxford* in the Choice of a Representative or Representatives (who may be chosen either in the Town or District) in which Choice they shall enjoy all the Priviledges which by Law they would have been Intitled to if this Act had not been made. Bounds *Charlton* District.

Provided nevertheless, **And be it further enacted**, That the said District shall pay their Proportion of all Town, County and Province Taxes already set on or granted to be raised by said Town as if this Act had not been made. Proviso.

And be it further enacted, That *Moses Marcy*, Esq; be and hereby is impowered to issue his Warrants directed to some principal Inhabitant in said District, requiring him to Notify and Warn the Inhabitants of said District qualified by Law to Vote in Town Affairs, to meet at such Time and Place as shall be therein set forth, to chuse all such Officers as shall be necessary to manage the Affairs of said District. *Moses Marcy*, Esq; to issue his Warrants.

C[illegible]
H

An Act declaring in what Manner the Decrees Orders of the Governour and Council in Controversies concerning Marriage and Divorce shall be carried into Execution.

WHEREAS in and by an Act of this Province made and pass'd in the [illegible] Year of the Reign of King William and Queen Mary, it is enacted and Declared, That all Controversies concerning Marriage and Divorce [illegible] other Things should and determined by the Governour and Council, but no express Provision has been made by the Laws of this Province for carrying the Decrees and Orders of the Governour and Council in such Cases into Execution; Preamble.

Be it therefore enacted by the Governour Council and House of Representatives, That if any Person shall refuse to conform to any legal Decree or Order, whether interlocutory or final, made, or that shall hereafter be made by the Governour and Council in any Controversy concerning Marriage and Divorce, every such Person shall be and is hereby declared liable to the Pains of Imp[illegible], and it shall and may be lawful for the Governour for the Time being of this Province to issue forthwith Warrant under his Hand and Seal by Order of the Governour and Council, directed to any Sheriff or his Deputy, requiring him to convey and safely arrest the Body of such Person so refusing or neglecting [illegible] unto his Majesty's Goal, there to remain without Bail or Mainprize, until he shall conform to such Decree or Order made as aforesaid. Persons refusing to conform to any legal Decree of Governor and Council, liable to be imprisoned.

D[illegible]

An Act

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*: Begun and Held at *Boston* upon Wednesday the twenty-ninth Day of *May* 1754, and continued by sundry Prorogations unto Tuesday the twenty-fifth Day of *March* following.

CHAP. VII.

An Act in further Addition to the several Laws already in Being for the more speedy finishing the *Land Bank* or *Manufactory Scheme*.

Preamble.

WHEREAS the Land Bank *or* Manufactory Scheme *cannot be equitably finished, unless further Provision be made by Law for the Sale of such Real Estates of Delinquents, as are or may be taken by Execution or Warrants of Distress:*

Sheriffs impowered to make Sale of forfeited Estates in the Land Bank, in Case.

Be it therefore enacted by the Governour, Council and House of Representatives, That every Sheriff, Under-Sheriff or Deputy-Sheriff, who (upon the Receipt of any Execution or Warrant of Distress issued or to be issued by the Commissioners by Law appointed to finish the said Scheme, against the Estates of any of the late Directors or Partners therein, for any Sum or Sums of Money assessed or that may be assessed on them, or either of them, or which their Estates are by Law made liable to the Payment of) hath or shall have levied such Sum or Sums on the whole or any Part of the Real Estate of any such Director or Partner, and shall have obtained from the Register of Deeds in the County where such Lands lie, a Certificate that upon a careful Search made in the Registry of Deeds there, it doth not appear that any Conveyance or Alienation of such Estate hath been made by such Director or Partner, and entred or lodged in such Registry at any Time before the Month of *October* Anno Domini One Thousand seven Hundred and forty three (at which Time those Estates were by Law subjected to the

Payment of what should appear to be due therefrom to the Company of Partners) such Sheriff or Under-Sheriff or Deputy shall be and hereby is authorized and impowered (after the Time allowed by Law for the Redemption of such Estates shall be expired) to make Sale thereof, and to make, sign and execute (in due Form of Law) a Deed or Deeds of Conveyance thereof with Warrantie; which Instrument or Instruments of Conveyance shall make a good Title to the Purchaser, his Heirs and Assigns for ever.

Proviso in Cases where the Estates is in other Hands besides the Directors and Partners.

Provided always, **and be it further enacted**, That any Person or Persons (other than the Director or Partner) whose Estate shall be taken and sold as aforesaid, or his Heirs, Assigns or Devisees claiming any Right in or to such Estate) may (any Thing in this Act before-mentioned notwithstanding) bring his or their Action for the Recovery thereof, provided the same be commenced and pursued within one Year from the Time of making such Conveyance; and every Action of Trespass, Ejectment or other Action against the Sheriff or other Officer for his Doings therein, or that shall be brought to Evict or in any wise to molest the Purchaser his Heirs or Assigns, in the peaceable Possession of the Estate (sold him as aforesaid) at any Time after the Expiration of said Term, shall be utterly barr'd; saving such Action or Actions as may be brought by any Person or Persons who at the Time of such Conveyance shall be and shall continue out of this Province 'till after the Expiration of said Term, or that shall be brought by any Person who during that Time shall be under some legal Incapacity of bringing his Action; in either of which Cases such Action may be brought within one Year from and after the Removal of such Impediment, and not afterwards.

The Estates of surviving and deceased Directors and Partners made liable to Answer Charges.

And be it further enacted, That the several surviving Directors and Partners in said Scheme and their Estates, and the Estates of such of them as are deceased, shall be and they are hereby subjected and made liable to answer and refund all Costs and Charges that may arise in Consequence of any such Conveyance; such Charges to be assessed on them by the said Commissioners, and to be raised and collected in Manner and Proportion as set forth in the Act made in the twenty-fourth Year of his present Majesty's Reign Intitled *An Act in Addition to the several Laws already in Being for the more speedy finishing the* Land Bank *or* Manufactory Scheme.

Preamble.

And whereas divers of the Mortgages given by the Partners (at their first Entrance on said Scheme) to secure the Payment of their Dues to the Company of Partners are not as yet discharged by the Commissioners, nor such Dues to the Company paid: And whereas the Original Mortgages (lodged in the Court-House in Boston*) were consumed by Fire:*

Attested Copy of the Mortgages to be valid as the Original.

Be it therefore further enacted, That upon Suit brought, or that may be commenced upon any such Mortgage remaining not discharged, an attested Copy of the Record thereof in the Registry of Deeds in the County where the Estate so Mortgaged lies, shall be deemed good and sufficient to all Intents and Purposes as if the original Mortgage was produced in Court on the Trial.

Proviso that the Commissioners Power be not invalidated.

Provided, that nothing in this or any former Act shall be construed or understood to abridge the said Commissioners of the Power formerly given them by the Laws of this Province, by due Course of Law, in such Cases as they shall judge may require it, to recover of any Director or Partner what became due from him to the Company of Partners by Force of any former Assessment or otherwise, or of making and executing Deeds of Conveyance of such Estates as have been or may be taken by Execution in Satisfaction of such Dues.

An Act

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*: Begun and Held at *Boston* upon Wednesday the twenty-eighth Day of *May*, 1755.

CHAP. I.

An Act to enable the Precinct of *Teticut* in the County of *Plymouth*, to raise a Sum by Lottery towards building a Bridge over *Teticut* River.

Preamble.

WHEREAS the Precinct of Teticut *have represented to this Court the Necessity of building a Bridge over* Teticut *River, and prayed this Court would enable them to raise a Sum by Way of Lottery for that Purpose:*

Samuel White Esq; of *Taunton*, & others, impowered to have a Lottery for building, &c. *Teticut* Bridge.

Be it therefore enacted by the Governour, Council and House of Representatives, That *Samuel White*, Esq; of *Taunton*, *Israel Washburn* of *Raynham*, *Ephraim Keith* and *James-Keith*, both of *Bridgewater*, and *David Alden* of *Middleborough*, or any three of them, be and hereby are allowed and impowered to set up and carry on a Lottery, amounting to such a Sum as by drawing Ten per Cent. out of each Prize, may raise a Sum of *Two Hundred and Ninety Pounds* Lawful Money, and no more; and that the said Sum be by them, or any three of them, applied to the Building a good sufficient Bridge over the said River, and paying the Charges of said Lottery: And that the said *Samuel White*, *Israel Washburn*, *Ephraim Keith*, *James Keith* and *David Alden*, or any three of them, be the Managers of said Lottery, and impowered to make all necessary Rules for managing thereof; and shall be sworn to the faithful Discharge of their said Trust: And as well the said Managers as the said Precinct shall be and are hereby declared answerable to the Owners of the Tickets in Case of any Deficiency or Misconduct. And if the Sum raised thereby shall be more than sufficient (after paying of the Charges of the Lottery) to build the said Bridge, the Surplusage shall be lodged in the Hands of the Treasurer of the said Precinct, to be put at Interest, and the Interest applied towards the Repairs of said Bridge.

Said Managers with the Precinct of *Teticut* to be answerable &c.

An Act

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*: Begun and Held at *Boston* upon Wednesday the twenty-eighth Day of *May*, 1755. And continued by Prorogations to Wednesday the twenty-fourth Day of *September* following and then met.

CHAP. II.

An Act for confirming the Proceedings of the General Assembly convened on the fifth of *September*, Anno Domini 1755.

Preamble.

WHEREAS upon Advices of great Importance received from the Troops gone upon an Expedition against Crown-Point, *His Honour the Lieutenant Governour and Commander in Chief, and His Majesty's Council, judged it absolutely necessary that the General Assembly which stood Prorogued to the twenty-fourth Day of* September *Instant, should be sooner convened, and the same was accordingly convened (by his Honour's Proclamation) and held on the fifth of the same Month, and from Day to Day continued until the ninth Instant, during which Time divers Matters of publick Importance were transacted; and whereas some Doubt may possibly arise touching the Legality of the Proceedings of that Assembly, held before the Time to which the same stood Prorogued:*

THEREFORE *for the Preventing or Removing all Doubts and Disputes touching the same:*

All Proceedings of the late Convention of the General Court confirmed.

BE it enacted by the Lieutenant Governour, Council and House of Representatives, That all Votes, Orders, Laws and other Matters, made, passed or transacted by the General Assembly convened and held on the fifth of this Instant *September*, and which was held until the ninth Day of the same, be and they are hereby established and confirmed, and shall to all Intents and Purposes be deemed valid and effectual in the Law, as if the Great and General Court or Assembly had stood Prorogued to the said fifth Day of *September*, and had been then held; and the same Votes, Orders, Laws and other Matters had been pass'd or transacted by the said Great and General Court during such their Session.

An Act

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*: Begun and Held at *Boston*, upon Wednesday the twenty-sixth Day of *May* 1756. And continued by Prorogations and Adjournment, to the fifth Day of *October* following, and then met.

CHAP. I.

An Act in Addition to and for Explanation of an Act made in the fourth Year of his Majesty's Reign, Intitled, *An Act directing how Rates and Taxes to be granted by the General Assembly, as also County Town and Precinct Rates shall be assessed and collected.*

Preamble.

WHEREAS in and by an Act made in the fourth Year of his present Majesty's Reign, Intitled An Act directing how Rates and Taxes to be granted by the General Assembly, as also County, Town and Precinct Rates shall be assessed and collected, *It is among other Things provided, "That two or more Assessors shall have Power by Warrant under their Hands and Seals, to commit to the common Goal, such Persons as being duly assessed shall refuse or neglect to pay the Sums so assessed by the Space of twelve Days after Demand thereof, where no sufficient Distress can or may be found, whereby the same may be levied:" And whereas a Doubt hath arisen, Whether by the Assessors so impowered be meant and intended the Assessors for the Time being, or the Assessors by whom the Persons to be committed were assessed:*

Assessors for the Time being intended.

Be it therefore enacted by the Lieutenant Governour, Council and House of Representatives, That by the Assessors so impowered in and by the Act aforesaid, the Assessors for the Time being, and they only, are meant and intended; and that the said Act shall be and always ought to have been so understood.

Persons over rated unless relieved by the Assessors, may apply to the General Sessions of the Peace.

And be it further enacted, That any Person apprehending himself over rated, and applying to the Assessors for the Time being for Relief, shall upon their Refusal to ease him, have Liberty to make Application to the Court of General Sessions of the Peace to be held within and for the same County within which the Assessment was made, next after such Refusal, the Justices of which Court are hereby authorized to grant him Relief in such Manner as is directed in and by the Act aforesaid.

And be it further enacted, That the Warrant for Commitment to be granted by the Assessors as aforesaid, shall be in the Form following:

Form of the Warrant of Commitment to be granted by Assessors.

SS. To *A. B.* one of the Constables (Collectors) of the Town of *C.* in the County of *S.* Greeting.

Whereas Application has been made to us the Subscribers, Assessors for the said Town of C. *by the said* A. B. *one of the Constables (or Collectors) of said Town of* C. *in said County, that* H. I. *of said Town of* C. *is assessed to the Province Tax in the Rate-Bill committed to him the said* A. B. *to collect as Constable (Collector) for the Year the Sum of And altho' the said Tax has been demanded of the said* H. I. *yet he neglects and refuses to pay and satisfy the same, and there being no Estate of the said* H. I. *to be found whereon to levy the same: These are therefore in his Majesty's Name to require you the said* A. B. *to take into safe Custody the Body of the said* H. I. *and him commit to the common Goal of the said County of* S. *there to remain until he the said* H. I. *shall pay and satisfy the above Sums with all necessary Charges, or be discharged by due Course of Law.*

Given under our Hands and Seals at *C.* this Day of in the Year of his Majesty's Reign, *Annoque Domini.*

} Assessors of the } Town of *C.*

BOSTON: N. E.

Printed by SAMUEL KNEELAND, by Order of His Honour the Lieut. GOVERNOUR, COUNCIL and House of REPRESENTATIVES. 1756.

Acts and Laws,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*: Begun and Held at *Boston*, upon Wednesday the twenty-sixth Day of *May* 1756. And continued by sundry Prorogations, to the sixth Day of *January* following, and then met.

CHAP. II.

An Act for altering the Times appointed for holding the Superiour Court of Judicature, &c. in the Counties of *Plymouth*, *Bristol* and *Barnstable*.

Preamble.

WHEREAS the Times appointed by Law for holding the Superiour Court of Judicature, Court of Assize and General Goal Delivery, within the Counties of Plymouth, Bristol *and* Barnstable, *are found to be inconvenient in Regard of the extream heat of the Season, as well as in other Respects:*

Times for holding the Superiour Courts in the Counties of *Plymouth*, *Barnstable* & *Dukes-County*, and *Bristol*.

Be it therefore enacted by the Lieutenant Governour, Council and House of Representatives, That for the future the Time for holding the Superiour Court of Judicature, Court of Assize and General Goal Delivery at *Plymouth*, within and for the County of *Plymouth*, shall be the last Tuesday in *April* annually: And that the Time for holding the said Court at *Barnstable*, for the Counties of *Barnstable* and *Dukes-County*, shall be the first Tuesday in *May* annually; and that the Time for holding the said Court at *Taunton*, within and for the County of *Bristol*, shall be the second Tuesday in *October* annually.

All Processes relating thereto, to be tried at said Courts.

And be it further enacted, That all Writs and other Processes already issued, returnable to the said Court at the Days heretofore appointed for holding the same in the several Counties aforesaid, shall be returned; and all Matters depending at said Court, in either of said Counties, shall be proceeded on at the Days respectively appointed by this Act for holding the same: And all Officers and other Persons concerned, are required to conform themselves accordingly.

CHAP. III.

An Act in further Addition to an Act Intitled, *An Act for regulating the Assize of Cask, and preventing Deceit in packing Fish, &c. for Sale*, made in the fourth Year of King *William* and Queen *Mary*.

Preamble.

GREAT Complaints having been made of Fraud in the Cask and Manner of packing Mackerel and other pickled Fish, notwithstanding the Provision heretofore made for preventing it: Therefore,

Assize of Cask.

Be it enacted by the Lieutenant Governour, Council and House of Representatives, That all Casks for pickled Fish shall be made of Staves, which shall be well Worked, twenty nine Inches long, and the Head shall be of the Diameter of seventeen Inches and an half, and the Chine or Part of the Stave without each Head, not more than an Inch and an half, and the Head not more than an Inch thick, the Cask to have the usual bilge, and to be tight and well made, or otherwise shall hold thirty one Gallons and an half, and be marked before packing by a Guager duly appointed and sworn.

Manner of packing Fish, &c.

And be it further enacted, That the Mackerel and other pickled Fish, shall be carefully packed, well salted, and duly filled by a Packer chosen and sworn for the Purpose, the whole of each Barrel to consist of the same Kind of Fish, and every Packer shall brand each Barrel, thus made and packed with the first Letter of his Christian Name, and his Sir-name at length, and with the first Letter of the Name of the Town where the Fish is packed, for which he shall be paid by the Owner of such Fish at the Rate of *eight Pence* by the Ton and no more.

Forfeiture for shewing or offering to Sale Fish not described as above.

And be it further enacted, That all and every Person or Persons who shall after the first Day of *March* One Thousand seven Hundred and fifty-eight, offer or shew for Sale any Cask or Casks of Mackerel or other pickled Fish not branded, or smaller than the Barrels or Casks described above, or where there shall be any Fraud in packing the Fish, the Person or Persons so offering them to Sale, shall ferfeit such Cask of Fish; and any Justice of Peace on Complaint made, may and shall issue his Warrant for seizing and securing such Forfeiture for Trial.

Penalty for fraudulent packing or branding.

And be it further enacted, That every Packer who shall pack and brand any Barrels or Casks which are smaller than above directed, or fraudulently packed, for every such Offence shall incur the Penalty of *twenty Shillings* for each Barrel thus unjustly branded.

Preamble.

And inasmuch as it is found very difficult for such Persons as are appointed Packers in sundry Maritime Towns, to repair in order to be Sworn, to the Town where the Court of General Sessions of the Peace is held, which is now Requisite

Packers may be sworn before a Justice.

Be it enacted, and ordered, That such Packers may be sworn before any one Justice of the Peace for such County in such Town or Place as may be nearest or most convenient, such Justice certifying the Caption to the Clerk of the Court of General Sessions of the Peace, at or before the next Sitting of said Court. *Provided*, that this Act shall not be construed or understood to prohibit the packing of Oysters or other Kinds of Fish in Kegs, which have heretofore usually been packed in such small Casks.

Disposal of Fines.

And be it further enacted, That all Fines and Forfeitures by this Act shall be and belong one half to his Majesty for the Use of this Province, and the other half to him or them who shall inform and sue for the same.

CHAP.

CHAP. IV.

An Act in Addition to an Act made and passed in the fifth Year of the Reign of their late Majesties *William* and *Mary*, Intitled *An Act for High-Ways.*

Preamble.

WHEREAS *in and by an Act made and passed in the fifth Year of the Reign of their late Majesties King* William *and Queen* Mary, *Intitled* An Act for High-Ways *; it is provided, that where High-Ways or Common Roads are wanting, or where old Ways may with more Conveniency be turned or altered, upon Application made to the Justices in Quarter Sessions in the County where they are wanted, they having first by a Committee enquired into the necessity and conveniency thereof, the said Justices are to Order the same to be laid out or altered by a Jury to be summoned by the Sheriff for the said Purpose ; which Method is found inconvenient, and causes great and needless Charge to the respective Counties in this Province :*

For Remedy whereof :

Court of Sessions to appoint a Committee to lay out or alter High-Ways.

Be it enacted by the Lieutenant Governour, Council and House of Representatives, That where a new High-Way or Common Road from Town to Town or Place to Place shall be wanting, or where an High-Way or common Road already laid out, stated and established, may or can with greater convenience be turned or altered, upon Application made to the Justices of the Court of General Sessions of the Peace within the same County, and it being judged by them to be of common Convenience or Necessity to have such new Way laid out or old one altered, the said Court be and hereby are impowered to appoint a Committee of five disinterested sufficient Freeholders in the same County to view and lay out such High-Way or Road, (which Committee shall give seasonable Notice to all Persons interested) of the Time and Place of their Meeting, and shall be under Oath to perform the said Service according to their best Skill and Judgment with most convenience to the Publick, and least Prejudice or Damage to private Property ; and shall also ascertain the Place and Course of said Road in the best Way and Manner they can, which having done, the said Committee or the major Part of them, shall make Return thereof to the next Court of General Sessions of the Peace to be held in the said County, after the said Service is performed under their Hands and Seals, to the End the same may be allowed and recorded, and after known for a publick High-Way.

Return to be made to said Court.

Proviso.

Provided nevertheless, That if any Person be damaged in his Property by the laying out or altering such High-Way, the Town or District where the same is, shall make such Person or Persons reasonable Satisfaction according to the Estimation of the Committee or major Part of them who laid out the same ; which said Committee are impowered and required under Oath to estimate the same, and make Return thereof as aforesaid ; and if such Person or Persons so damaged find him or themselves agrieved by any Act or Thing done by the said Committee in laying out said Way or Estimate of his or their Damages, he or they may apply unto the Court of General Sessions of the Peace, provided such Application be made to the Court that shall be held in such County next after such Return ; and said Court is hereby impowered to hear and determine the same, and shall and may enquire by a Jury under Oath, to be summoned by the Sheriff or his Deputy for said Purpose, if the Person complaining desires the same ; and if the Jury shall not alter said Way

Way, or increase the Damages, the Person complaining shall pay all Costs, to be taxed against him by said Court, otherwise such Costs shall be paid by the County; and the increase of Damage found by the Jury, shall be paid by the Town or District in which such Way shall be laid.

Jurys Verdict to determine Damage, and fix High-Ways.

And be it further enacted, That the Verdict of such Jury, Return thereof being made under their Hands and Seals to said Court, shall conclude the Person or Persons complaining with Regard to the Damage, and also fix and determine the Place of such Road or High-Way, and Record shall be made thereof accordingly.

BOSTON:

Printed by SAMUEL KNEELAND, by Order of his Honour the Lieut. GOVERNOUR, Council and House of Representatives. 1757.

An Act,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*: Begun and Held at *Boston*, upon Wednesday the twenty-sixth Day of *May* 1756. And continued by sundry Prorogations and Adjournment, to the thirtieth Day of *March* following, and then met.

CHAP. V.

An Act for regulating the Hospital on *Rainsford's-Island*, and further providing in Case of Sickness.

Preamble.

WHEREAS *a good and convenient House hath been provided at the Charge of the Province on the Island called* Rainsford's-Island, *for the Reception of such Persons as shall be visited with any contagious Sickness*:

Inquiry to be made at the Castle respecting infectious Vessels.

Be it therefore enacted by the Council and House of Representatives, That Enquiry shall be made by the Officer or other Person on Duty at *Castle-William*, of every Vessel coming from Sea, and passing by said Castle, whether they are all well on board, and also whether any infectious Sickness has been on board, since they left the Port from whence they last came; and if any Vessel inquired of as aforesaid shall have any Sickness on board, and upon further Inquiry the same shall appear to be the Plague, Small-Pox, or any other malignant infectious Distemper, in such Case Order shall be given to the Master or Commander of such Vessel, forthwith to go down with his Vessel, and Anchor as near the Hospital at *Rainsford's-Island* as conveniently may be, or if any Vessel enquired of as aforesaid, shall have had any infectious Sickness on board since they left the Port from whence they last came, in such Case Orders shall be given to the Master or Commander of such Vessel immediately to Anchor, and to remain at Anchor until a Certificate shall be obtained from the major Part of the Select Men of the Town of *Boston*, that they are of Opinion such Vessel may come up to Town, without Danger to the Inhabitants, or until the said Master shall receive Orders from the said Select-Men to go with his Vessel and Anchor near the Hospital aforesaid; and in Case any Master or Commander shall by himself or People

Select-Men to certify the Safety of Vessels coming into the Harbour,

ple on board, make false Answer when hail'd by the Castle, or (after Orders given as aforesaid) shall neglect or refuse to Anchor near the Castle as aforesaid, or come on Shore, or suffer any Passengers or Persons belonging to the Vessel to come on Shore, or any Goods to be taken out before the Vessel shall have Anchor'd, or without Liberty from the Select-Men as aforesaid; or in Case any Master or Commander order'd to Anchor near the Hospital aforesaid, shall neglect or refuse so to do; in every such Case, every Master or Commander so offending, shall forfeit and pay the Sum of *One Hundred Pounds*, or suffer six Months Imprisonment.

Penalty for Master's Offence.

Leave to be had of the Select-Men for Landing Passengers or Goods.

And be it further enacted, That upon Application made to the Select-Men of the Town of *Boston* by any Master or Commander of any Vessel at Anchor near the Hospital as aforesaid, the said Select-Men are hereby impowered to permit such Passengers, Goods or Lading as they shall judge free from Infection to come on Shore, or to be taken out and disposed of as the Owners shall see meet: And such Passengers and Goods as shall not be permitted as aforesaid, shall remain on board, or be landed on said Island, or if any Master or immediate Commander of any such Vessel for the Time being, shall come on Shoar, or suffer any of his People or Passengers to come on Shoar, or any Boats to come on board, or suffer any Goods to be taken out of his Vessel, unless permitted as aforesaid, or shall come up with his Vessel, until by a Certificate under the Hands of the Select-Men or major Part of them as aforesaid, it shall appear to the Captain-General that said Vessel Company and Goods are clear of Infection, and the Orders for stopping and detaining the same be removed and taken off, he shall for every such Offence forfeit the Sum of *Fifty Pounds*, and in Case he be not able to pay that Sum he shall suffer three Months Imprisonment; and if any Sailors or Passengers coming in said Vessel, shall without the Knowledge or Consent of the Master presume to come on Shoar, or up above the said Castle, or if any Person from Town or Country shall knowingly presume to go on board such Vessel, or go to the aforesaid House or Island in Time of Infection there, without Leave as aforesaid, or if any Person put sick into the said House, or sent there on Suspicion of being infected, shall presume to go off the Island without Leave as aforesaid, every Person offending in any of the Particulars above-mentioned shall forfeit the Sum of *Forty Pounds*, and in Case any Person be not able to pay the said Sum, he shall suffer two Months Imprisonment. All the before-mentioned Fines to be sued for and recovered by the Select-Men of the Town of *Boston* for the Time being, one Moiety thereof to be to his Majesty for the Use of this Government, the other Moiety to the Informer.

Forfeiture for Contempt by the Master and others.

Justices of the Peace to order infectious Vessels or Persons to the Hospital.

And be it further enacted, That when and so often as any Ship or other Vessel wherein any Infection or infectious Sickness hath lately been, shall come to any Port or Harbour within this Province; or when and so often as any Person or Persons belonging to or that may either by Sea or Land come into any Town or Place near the publick Hospital within this Province shall be visited, or who lately before may have been visited with any infectious Sickness; two of the Justices of the Peace or Select-Men of such Place, be and hereby are impowered immediately to order the said Vessel and sick Persons to the Province Hospital or House aforesaid, there to be taken Care of according to the Directions of this Act; and where any such Ship Vessel or Persons cannot without great Inconvenience and Damage be ordered to the aforesaid House or Hospital, in every such Case the Rules and Directions are to be observed which are already made in and by an Act pass'd in the 13th Year of the Reign of his late Majesty King *William* the Third, Intitled *An Act providing in Case of Sickness*.

And

And be it further enacted, That if any Master, Seaman or Passenger belonging to any Ship, on board which any Infection is or hath lately been or is suspected to have lately been, or coming from any Port where any infectious mortal Distemper prevails, shall refuse to make Answer on Oath to such Questions as may be asked him or them by the Select-Men of the Town (who are hereby impowered to administer the same) to which such Ship shall come, relating to such Infection, such Master, Seaman or Passenger, shall forfeit the Sum of *Fifty Pounds*; and in Case he be not able to pay said Sum he shall suffer six Months Imprisonment; the above-mentioned Fine to be sued for and recovered by the Select-Men of the respective Towns where the Offence shall be committed; one Moiety thereof to be to his Majesty for the Use of this Government, and the other Moiety to the Informer; and where any Person shall be convicted of any Offence against this Act, and suffer the Pains of Imprisonment, and shall be unable to pay the Costs of Prosecution, such Costs shall be paid by the several Towns to which such Persons respectively belong, or if not Inhabitants shall be allowed and paid out of the Province Treasury, and the Select-Men of *Boston* are directed and impowered to provide Nurses, Assistance and other Necessaries for the Comfort and Relief of such sick Persons sent to said Hospital as aforesaid, the Charge thereof to be born by the said Persons themselves, if able, or if Poor and Indigent, by the Towns to which they respectively belong, or if not Inhabitants, then at the immediate Charge of the Province.

Penalty for not answering on Oath referring to Infection.

Select-Men directed and impowered in providing Nurses Attendance &c.

BOSTON: N. E.

Printed by Order of the Honourable his Majesty's COUNCIL, and House of REPRESENTATIVES.
And Sold by S. KNEELAND, in Queen-Street. 1757.

Acts and Laws,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*: Begun and Held at *Boston* upon Wednesday the twenty-fifth Day of *May*, 1757.

CHAP. I.

An Act impowering *Margaret Pollard* of *Boston*, in the County of *Suffolk*, Widow, Executrix of the last Will and Testament of *Benjamin Pollard*, Esq, deceased, to make Sale of certain Lands that were conveyed to the said *Benjamin Pollard*, in Trust.

WHEREAS it appears that Jonas Clarke, *Esq; on the fourth Day of* June 1756, *by his Deed of that Date, Registred in the Registry of Deeds for the County of* Middlesex, *in Book* 53, *Page* 452, *conveyed unto the said* Benjamin Pollard, *Esq; certain Lands scituate partly in* Waltham, *and partly in* Weston *in the County of* Middlesex, *containing one Hundred and thirty-seven Acres, to hold to the said* Benjamin *as an absolute Estate of Inheritance in Fee-Simple; that altho' the said Conveyance Purports to be an absolute Sale of said Premises; yet in Fact the Intent of the same was only to secure the Payment of sundry Sums of Money due from the said* Jonas, *to sundry Persons which the said* Benjamin *stood liable for the Payment of: And the said* Jonas *on the twelfth of* November *last, by his other Deed of that Date, Registred in the Registry of Deeds for the County of* Worcester, *Book* 38, *Page* 138, *conveyed unto the said* Benjamin, *a certain Farm in* Shrewsbury, *in the County of* Worcester, *containing about one Hundred and twenty Acres; also about one Hundred and sixty Acres of Land in* Holden *in said County; also a Tract of Land in* Rutland *in said County, containing about one Hundred and fifteen Acres and three Quarters of an Acre; also another Tract of Land in* Rutland *aforesaid, containing about one Hundred and ten Acres; also the said* Jonas's *Right in the Great Farm* Numb. XXII. *in the North-West Quarter of* Rutland *aforesaid, to hold the same to the said* Benjamin *and his Heirs, upon Trust; that he the said* Benjamin *or his Heirs, Executors or Administrators, should within nine Months from the Date of said Deed, by Deed or Deeds of Bar-* Preamble.

gain, and Sale legally executed, make Sale of all or so much of the said Lands and Premises as should be sufficient to pay and discharge all and every the Debts of the said Jonas, *which are mentioned in a Schedule to the same Deed annexed, amounting to* Three Hundred and thirteen Pounds three Shillings and two Pence, *and for the Payment of which the said* Benjamin *became liable; and the said* Benjamin Pollard *is deceased, and said Lands remain unsold, and his Heirs are all Minors, and the said* Margaret Pollard, *and* Jonas Clarke, *have Petitioned that the said* Margaret Pollard *may be fully impowered to execute said Trust in as ample Manner as the said* Benjamin Pollard *could, and ought to have done if living:* Therefore,

Be it enacted by the Council and House of Representatives, in General Court assembled, That the said *Margaret Pollard,* be and hereby is authorized and fully impowered to sell all or so much of the said Lands and Premisses as shall be sufficient to Reimburse, Pay and Discharge all such Sum and Sums of Money, and the Interest thereof, as the said *Benjamin* in his Life-time paid and advanced for the said *Jonas*; also such further Sums of Money as the said *Benjamin*'s Estate now stands liable for the Payment of, for and on Account of the said *Jonas,* and to that End to execute such Deed or Deeds as shall be necessary for the bargaining and conveying the aforesaid Lands and their Appurtenances, or any Part thereof unto any Person or Persons in Fee.

Margaret Pollard allow'd to sell Lands.

And be it further enacted, That the said *Margaret Pollard,* be and hereby is fully authorized and impowered to Re-convey to the said *Jonas* or his Heirs, such Part of the said Lands and the Appurtenances thereof, as shall remain unsold (if any there be) after the Payment of all such Sum and Sums of Money as the said *Benjamin* in his Life-time paid and advanced for the said *Jonas,* with the Interest thereof, and such further Sums of Money as the said *Benjamin*'s Estate now stands liable for the Payment of, for and on Account of the said *Jonas,* and to that End to pass and execute such legal Deed or Deeds as shall be found needful for that Purpose: And if it happen that upon Sale of the Premisses, or such Part thereof as shall be necessary for the Purposes aforesaid, there should be an Overplus of Money in the Hands of the said *Margaret,* that then and in such Case the said *Margaret* pay such Overplus unto the said *Jonas,* his Executors or Administrators.

To be accountable for Produce of said Sale.

CHAP. II.

An Act for erecting the District of *Danvers* into a Township by the Name of *Danvers.*

Preamble.

WHEREAS *in the twenty-fourth Year of his present Majesty's Reign, the Village-Parish and Middle-Parish so called, in the Town of* Salem, *were erected into a District; and by the Act for their Incorporation, they were enjoined to do the Duties that are enjoined on other Towns, and enjoy all the Powers, Priviledges and Immunities that Towns in this Province by Law enjoy, except that of seperately choosing and sending one or more Representatives to represent them at the General Assembly; which Exception has been found burthensome and inconvenient:*

Danvers a Township.

Be it therefore enacted by the Council and House of Representatives, That the said District be and hereby is erected into a Township by the Name of *Danvers,* according to the Boundaries of said District; and that the Inhabitants of said District, be and hereby are vested and endowed with all the Powers, Priviledges and Immunities that the Inhabitants of the Towns within this Province, are, or by Law ought to be vested or endowed with.

BOSTON: N.E. Printed by Order of His Majesty's COUNCIL, and House of REPRESENTATIVES. And Sold by S. KNEELAND, in Queen-Street.

Acts and Laws

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*: Begun and Held at *Boston*, upon Wednesday the twenty-fifth Day of *May* 1757. And continued by Prorogations to Wednesday the twenty-third Day of *November* following, and then met.

CHAP. XI.

An Act in Addition to an Act Intitled, *An Act for regulating the Hospital on* Rainsford's-Island, *and further providing in Case of Sickness.*

WHEREAS in and by an Act Intitled, "*An Act for regulating the* "*Hospital on* Rainsford's Island, *and further providing in Case of* "*Sickness, it is provided, That when and so often as any Ship or* "*other Vessel, wherein any Infection or infectious Sickness hath lately* "*been, shall come to any Port or Harbour within this Province; or when and* "*so often as any Person or Persons, belonging to or that may either by Sea or* "*Land, come into any Town or Place near the publick Hospital within this* "*Province, shall be visited, or who lately before may have been visited with any* "*infectious Sickness; two of the Justices of the Peace, or Select-Men of such* "*Place, be and hereby are impowered immediately to order the said Vessel and* "*sick Persons to the Province Hospital or House aforesaid, there to be taken* "*Care of.*" Preamble.

But no Penalty is annexed to the Breach of the afore-recited Paragraph of said Act: Wherefore,

Be it enacted by the Governour, Council and House of Representatives, That when any Ship or other Vessel, wherein any infectious Sickness is, or hath lately been, shall come to any Port or Harbour in this Province, and either two Justices or the Select-Men of the Place, shall order the said Vessel to the Province Hospital; and the Master or Mariners of such Vessel, shall refuse or delay by the Space of six Hours after said Order, given to said Master or either of the Owners of said Vessel, or of the Factors of either of said Owners, to come to sail, if Wind and Weather permit, in order to proceed to said Hospital, the Master of said Vessel shall forfeit and pay Justices of the Peace &c. to order infectious Vessels or Persons to the Hospital.

Penalty for Disobedience to the Act.

the Sum of *One Hundred Pounds*, and suffer six Months Imprisonment; one half of said Fine to be to the Informer or Prosecutor, and the other half to the Poor of the Town or District, to which such Port or Harbour belongs; the Offender to be prosecuted in any Court of Justice proper to try the same.

CHAP. IV.

An Act for raising the Sum of *One Thousand two Hundred Pounds* by Lottery, for building and maintaining a Bridge over *Saco* and *Pesumpscot* Rivers, in the County of *York*.

Preamble.

WHEREAS the Eastern Part of said County of York *has been formerly broke up by the Enemy, and the getting Troops to their Relief is extreamly difficult, if not impracticable in some Seasons of the Year, there being no passing in Boats or any other Way over the Rivers of* Saco *and* Pesumpscot, *and the building a Bridge over said Rivers, will be of public Service:*

Lottery allowed to be set up for building and maintaining a Bridge over *Saco* and *Pesumpscot* Rivers in the County of *York*.

Be it therefore enacted by the Governour, Council and House of Representatives, That Sir *William Pepperrell*, Baronet, *Daniel Moulton*, *Edward Milliken*, *Joseph Sayer*, and *Rushworth Jordan*, Esqrs; Messieurs *Benjamin Chadburn*, and *Stephen Longfellow*, or any three of them, be and hereby are allowed and impowered to set up and carry on a Lottery or Lotteries, which shall amount to such a Sum as by deducting *ten per Cent.* out of each Prize, will raise the Sum of *One Thousand two Hundred Pounds*, to be applied by them, or any three of them, towards building and maintaining a good and sufficient Bridge over each of said Rivers of *Saco* and *Pesumpscot*, at or near the lower Falls of said Rivers, and for defreying the necessary Charges of the Lottery aforesaid: And the said Sir *William Pepperrell*, *Daniel Moulton*, *Edward Milliken*, *Joseph Sayer*, *Rushworth Jordan*, Esqrs; *Benjamin Chadburn*, and *Stephn Longfellow*, or any three of them, may, and hereby are, impowered to make all necessary Rules for the regular Proceeding therein, and shall be sworn to the faithful Discharge of their Trust aforesaid, and be answerable to the Owners of the Tickets, and for any Deficiency or Misconduct; and that the Monies so raised, shall be applied for the Uses and Purposes aforesaid, and no other. And if the Sum raised shall be more than sufficient (after paying of the Charges of the Lottery) to build the said Bridges, the Surplusage shall be lodged in the Hands of the Treasurer of the County of *York*, to be drawn out and applied towards Repairs of the said Bridges.

CHAP. V.

An Act for Incorporating a Neck of Land called *Merriconeag-Neck*, and certain Islands adjacent in the County of *York*, into a seperate District by the Name of *Harpswell*.

Preamble.

WHEREAS the Inhabitants of Merriconeag-Neck, *and the Islands adjacent, have humbly represented to this Court the Difficulties and great Inconveniencies they labour under, in their present Situation, and have earnestly requested that they may be invested with the Powers, Privileges and Immunities of a District:* Therefore,

Be

Be it enacted by the Governour, Council and House of Representatives, That the said Neck of Land, beginning where *Brunswick* Line intersects the upper End of said Neck, which is four Rods above the Narrows of said Neck, commonly called the *Carrying Place*, from thence including the whole of said Neck down to the Sea, together with the Islands adjacent, hereafter mentioned; *viz. Great Sebasco-degin-Island*, alias *Shapleighs Island*, *Little Sebasco-degin-Island*, and *Wills-Island*, lying to the South East Side of said Neck; *Birch Island*, *Whites-Island*, and the two *Goose Islands*, lying on the North-West Side of said Neck, and *Damariscove-Islands*, lying at the lower End of said Neck, be and hereby are Incorporated into a seperate District by the Name of *Harpswell*. Lands in the County of *York* erected into a District. Bounds thereof.

And the Inhabitants of said Neck of Land, and Islands, shall be and hereby are invested with all the Powers, Privileges and Immunities, that the several Towns in this Province by Law do or may enjoy, that of sending a Representative only excepted. Their Powers, &c.

And be it further enacted, That *John Minot*, Esq; be and hereby is impowered to issue his Warrant to some principal Inhabitant of the said District, requiring him in his Majesty's Name to warn and notify the said Inhabitants, qualified to vote in Town Affairs, to meet together at such Time and Place in said District, as by said Warrant shall be appointed, to chuse such Officers as the Law directs, and may be necessary to manage the Affairs of said District: And the said Inhabitants being so met, shall be and hereby are impowered to chuse Officers accordingly. Inhabitants how to be notify'd.

BOSTON, N.E.

Printed by S. KNEELAND, by Order of His Excellency the Governour, Council and House of Representatives.

1758.

Acts and Laws,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*: Begun and Held at *Boston*, upon Wednesday the twenty-fifth Day of *May* 1757. And continued by Prorogations to Thursday the second Day of *March* following, and then met.

CHAP. VI.

An Act to prevent Bribery and Corruption.

Be it enacted by the Governour, Council and House of Representatives, That if any Person shall directly or indirectly give, or engage to pay any Sum of Money, or other valuable Consideration to another, in order to induce such other Person to procure for him by his Interest, Influence or any other Means whatsoever, any Office or Place of Trust within this Government, and be thereof convict, shall forfeit a Sum not exceeding *One Hundred Pounds*, nor less than *Twenty Pounds*, at the Discretion of the Court which shall have Cognizance of the same, and be rendered for ever after incapable of sustaining any Office or Place of Trust within this Province.

Persons who shall give or engage any Sum of Money &c. for any Office or Place of Trust liable to a Penalty.

And be it further enacted, That if any Person shall receive of another any Sum of Money, or other valuable Consideration as a Reward for procuring, or to procure any Office or Place of Trust within this Government, for any other Person, and be thereof convicted, shall forfeit a Sum not exceeding *One Hundred Pounds*, nor less than *Twenty Pounds*, at the Discretion of the Court which shall have Cognizance of the same. And if such Offender be in any such Office, he shall on the Conviction be disabled from holding the same, and be for ever after incapable of sustaining any Office or Place of Trust within this Province.

Persons who shall receive any Sum of Money &c. for procuring any Office or Place of Trust liable to a Penalty.

And for the more easy Conviction of such Offenders:

Be it further enacted, That if either of the Parties offending as aforesaid, shall give Information upon Oath against the other offending Party, and shall duly prosecute said Information, such Informer shall be freed from every the Penalties aforesaid.

Persons informing freed from Penalties.

Offences to be tried before the Court of Assize.

And all Offences against this Act, shall be heard, tryed and determined before the Superiour Court of Judicature, Court of Assize and General Goal Delivery; and all pecuniary Penalties accruing thereby, shall be one Third thereof to the Informer, and the other two Thirds to the Province.

CHAP. VII.

An Act for Regulating the Proprietors of the Meadow and Flat-Ground within the Cove called the *Little Harbour* in the Township of *Hingham*, in the County of *Suffolk*.

Preamble.

WHEREAS the Proprietors of the Meadow and Flat-Ground within the Cove called the Little-Harbour *in the Township of* Hingham, *in the County of* Suffolk, *in the Year One Thousand seven Hundred and forty, at a great Expence erected a Dam at the Mouth of said Harbour, by Means of which the same yearly produces a considerable Quantity of Thatch; but that a growing Charge arises from Time to Time in keeping the said Dam in Repair, and that of letting in and drawing off the Water as is necessary, and that the same for Time to come may be well Regulated, and the Charge thereof equally born:*

Proprietors invested with the Powers and Privileges of calling Meetings, &c.

Be it enacted by the Governour, Council and House of Representatives, That the Proprietors aforesaid be and hereby are invested with the same Powers and Privileges of calling and regulating Meetings, and chooſing proper Officers, as the Proprietors of Common and undivided Lands by Law are invested with; and by a major Vote of the Proprietors (to be collected according to their Interest) may make Orders and Rules as they shall judge necessary, touching the Repairing or making any Dam or Dams, and drawing off the Water, and grant and raise any Tax or Taxes for the defreying their necessary Charges, to be assessed and levied on the several Occupants of such Meadow or Flatts, in Manner as by Law public Taxes are to be levied.

BOSTON, N. E.

Printed by S. KNEELAND, by Order of His Excellency the GOVERNOUR, COUNCIL, and House of REPRESENTATIVES. 1758.

An Act

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*: Begun and Held at *Boston*, upon Wednesday the twenty-fifth Day of *May* 1757. And continued by Prorogations and Adjournment to Tuesday the eighteenth Day of *April* following, and then met.

CHAP. VIII.

An Act for preventing Loss or Damage by Means of a Non-observance of a late Act of this Province, Intitled *An Act for granting to his Majesty several Duties upon Vellum, Parchment and Paper, for two Years, towards defreying the Charges of this Government.*

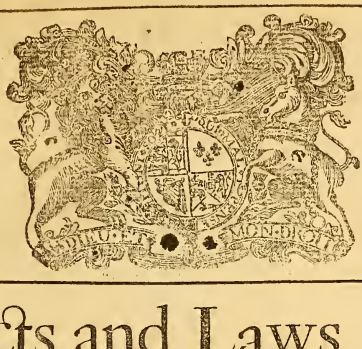
Preamble.

WHEREAS during the Continuance of a late Act of this Province, Intitled An Act for granting to his Majesty several Duties upon Vellum, Parchment and Paper, for two Years, towards defreying the Charges of this Government, *made in the twenty-eighth Year of his present Majesty's Reign, there were divers Deeds and Mortgages of Real Estates, and Bonds, wrote on Vellum, Parchment and Paper, with a Stamp thereon different from what was required by said Act, and divers others wrote on unstamped Vellum, Parchment and Paper, whereby many innocent Persons are likely to be great Sufferers:* For Remedy whereof,

Deeds, Mortgages, &c. unstamped, made valid.

Be it enacted by the Governour, Council, and House of Representatives, That all such Deeds, Mortgages and Bonds, be and are hereby declared as valid and effectual to all Intents and Purposes, as if they had been wrote on Vellum, Parchment and Paper, marked and stamped in Manner as by said Law required.

BOSTON: Printed by S. KNEELAND, by Order of his Excellency the GOVERNOUR, COUNCIL, and House of REPRESENTATIVES. 1758.



Acts and Laws,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*: Begun and Held at *Boston*, upon Wednesday the thirty-first Day of *May* 1758. And continued by sundry Prorogations to Friday the twenty-ninth Day of *December* following, and then met.

CHAP. II.

An Act to enable Creditors to receive their just Debts out of the Effects of their absent or absconding Debtors.

Preamble.

FOR the better preventing of Frauds and Deceit too often designed and practiced by ill-minded Debtors, in betrusting and depositing their Goods and Effects in the Hands of others with Intent to reserve and secure them to their own Use, and defeat their Creditors of their just Dues, absconding or withdrawing themselves out of this Province, or not being within this Province, or to be come at, and their Goods and Effects concealed so as they cannot be attached and made liable to the Payment of their Creditors by the ordinary Process of Law:

Goods and Effects of absconding Debtors to be attached.

§. 1. **Be it enacted by the Governour, Council, and House of Representatives,** That it shall and may be lawful for any Person entitled to any Action of Debt, Detinue, Account, Covenant, or Case, in Trover, *Indebitatas*, *Assumsit*, or on express Contract against any Person absconding or absent out of this Province, to cause the Goods and Estate of such absconding or absent Person to be attached in whose Hands or Possession soever the same are or may be found: And the attaching of any Part thereof shall secure and make the whole that is in such Persons Hands liable in the Law to respond the Judgment to be recovered upon such Process, if so much there be, and no further, and shall be subjected to be taken in Execution for Satisfaction thereof, or so far as the Value thereof will extend, and the Person in whose Hands they are shall expose them accordingly.

And subject to Execution.

Agent, &c. of an absent Debtor to be summoned to Court in Case no Effects appear.

§. 2. **And be it further enacted,** That where no Goods or Effects of such absent or absconding Person in the Hands of his Attorney, Factor, Agent or Trustee, shall be exposed to View, or can be come at so as to be attached, it shall and may be lawful to and for any Person entitled to any of the aforesaid Actions to

to file a Declaration against such absent or absconding Person in the Clerk's Office of the Inferiour Court of Common Pleas in the same County where such Factor, Agent or Trustee lives, therein particularly setting forth his Debt and Damage, how and for what Cause it arises, and to cause the Attorney, Factor, Agent or Trustee of such absent or absconding Person to be served with a Summons out of the Office, annexed to the said Declaration, fourteen Days before the Sitting of the Court, for his Appearance at such Court; which being duly served, and Return thereof made under the Officer's Hand, shall be sufficient in the Law to bring forward a Trial without other or further Summons, unless the Principal be an Inhabitant or hath for some Time had his Residence within this Province, in which Case a like Summons with an attested Copy of the Declaration annexed, shall also be left at his Dwelling-House, Lodging or Place of his last and usual Abode fourteen Days before the Sitting of the Court; and such Attorney, Factor, Agent or Trustee upon his Desire, shall be admitted to defend the Suit on Behalf of his Principal throughout the Course of the Law, and an Imparlance shall be granted of Course at two Terms successively, that he may have Opportunity to notify his Principal thereof, and at the third Term without special Matter alledged and allowed in Bar, Abatement or further Continuance, the Cause shall peremptorily come to Trial, and if Judgment be rendered for the Plaintiff, all the Goods, Effects or Credits of such absent or absconding Person in the Hands of such Attorney, Factor, Agent or Trustee, which were in his Hands at the Time of his being served with the Summons and Declaration aforesaid, to the Value of such Judgment (if so much there be) shall be liable and subjected to the Execution granted upon such Judgment for or towards satisfying the same, and from the Time of serving the Summons as aforesaid, shall be liable and secured in the Law in his Hands to answer the same, and may not be otherwise disposed of or converted.

Trial thereupon to be had.

Two Imparlances to be granted.

Goods in such Agents Hands subject to Execution on a Judgment.

Proviso. §. 3. *Provided nevertheless*, and be it enacted, That if upon Summons being served as aforesaid, the supposed Attorney, Factor, Agent or Trustee, shall come into Court at the first Term, and declare that he had not in his Hands at the Time of the Service of such Summons, any Goods, Effects or Credits whatsoever of the absent or absconding Person, and shall submit to an Examination upon Oath respecting the same; and if upon such Examination it shall appear to the Satisfaction of the Justices of the Court that he had not any Goods, Effects or Credits whatsoever of the absent or absconding Person in his Hands at the Time of his being summoned as aforesaid, then in every such Case the Plaintiff shall become Nonsuit, and shall pay to him who was summoned as Attorney, Factor, Agent or Trustee, his reasonable Costs, to be taxed in common Form by the Justices of the Court.

Agents not appearing at the first Term &c. liable to pay Costs. §. 4. And be it further enacted, That if any Attorney, Factor, Agent or Trustee, being served with Summons and Declaration as aforesaid, shall not appear at the first Term, and then either acknowledge himself to have had in his Hands some Goods, Effects or Credits of the absent or absconding Person at the Time of the Service aforesaid, and thereupon pray that he may be admitted to defend the Action, or otherwise submit himself to an Examination upon Oath as aforesaid, he shall be liable to pay to the Plaintiff all such Costs as shall arise upon his Suit, to be taxed by the Justices of the Court before which the Action shall be brought.

Execution to be levied on Agents proper Goods and Estate in Case. §. 5. And be it further enacted, That in Case any Attorney, Factor, Agent or Trustee, from and after the Time of his being served with Summons and Declaration as aforesaid against his Principal (being an absent or absconding Person) shall transfer, remit, dispose of or convert any of the Goods, Effects or Credits of such absent or absconding Person in his Hands at the Time of such Service, so that there shall not be sufficient to satisfy the Judgment (the Debt being afterwards ascertained by Judgment of Court) or that shall not discover,

discover, expose and subject the Goods, Effects or Credits of such absent or absconding Person in his Hands to be taken in Execution for or towards the Satisfaction of the Judgment so far as what were in his Hands at the Time of said Service will extend, shall be liable to satisfy the same of his own proper Goods and Estate, and as of his own Debt; and a Writ of *Scire Facias* may be taken out of the same Court and served upon him as the Law directs, to appear and shewCause (if any he have) to the contrary, where upon Default of Appearance or Refusal to disclose upon his Oath (which Oath the Justices of such Court are impowered to administer) what Goods, Effects or Credits of the absent or absconding Person are in his Hands, and to what Value; then Judgment shall be entred up against him of his own proper Goods and Estate, and Execution be awarded accordingly. Agent to be put on Oath.

§. 6. *Provided nevertheless*, and be it enacted, That if it shall appear that the Attorney, Factor, Agent or Trustee so summoned as aforesaid, and having in his Hands at the Time of such Summons any Goods, Effects or Credits of the absent or absconding Person hath not any Ways remitted, disposed of or any Ways converted the same after the Summons being served on him as aforesaid; but that he hath discovered, exposed and subjected them to be taken in Execution to satisfy the Judgment recovered against the absent or absconding Person as aforesaid, then the Party who commenced the Suit shall pay such Attorney, Agent, Factor or Trustee, his reasonable Costs, to be taxed in common Form by the Justices of the Court from which the *Scire Facias* issued as aforesaid. Proviso.

§. 7. And be it further enacted, That the Goods, Effects or Credits of any absent or absconding Person so taken as aforesaid by Process and Judgment of Law out of the Hands of his Attorney, Factor, Agent or Trustee, by any of his Creditors, shall fully acquit and forever discharge such Attorney, Factor, Agent or Trustee, his Executors or Administrators, of, from and against all Actions and Suits, Damages, Payments and Demands whatsoever, to be asked, commenced, had, claimed or brought by his Principal, his Executors or Administrators, of and for the same; and if any Attorney, Factor, Agent or Trustee, shall be molested, troubled or sued by his Principal for any Thing by him done in Pursuance of this Act, he may plead the general Issue and give this Act in Evidence. Agent to be acquitted and discharged.

§. 8. *Provided nevertheless*, That any absconding or absent Person against whom Judgment shall be recovered as aforesaid, shall be entitled to a Review of the same at any Time within three Years, after such Recovery. Proviso.

CHAP. III.

An Act to confirm and render Effectual an Agreement between sundry Persons claiming Property and Interest in the common and undivided Lands in a Neck of Land in *Framingham*, in the County of *Middlesex*.

WHEREAS John Pike, Joseph Bixbee, Samuel Lamb, Timothy Pike, Joseph Bixbee, *Junr.* Benjamin Barnard, Samuel Frost, Richard Mellin, Isaac Fisk, George Walkup, Benjamin Whitney, Mark Whitney, Daniel Haven, Nathan Carter, Abraham Pike, Joseph Buckminster, *Esq*; Joseph Haven, *Esq*; John Farrar, Moses Pike, Daniel Stone, Thomas Brown, Noah Eaton, Peter Jenison, Thomas Winch, *Junr.* David Haven, James Haven, Isaac Haven, Joseph Cozens, Silvanus Hemingway, Ralph Hemingway, Thomas Winch, James Haven, *Junr.* Ebenezer Hemingway, John Winch, Squier Haven, Micah Gibbs, Benoni Prat, Ebenezer Hagar, Ezekiel How, Jonathan Edmonds, David How, *Junr.* Ephraim Power, Jeremiah Pike, Amos Darling, Preamble.

Darling, Amos Gates, Jonathan Barrett, Elias Whitney, James Meilin, William Ballard, Jonathan Maynard, Joseph Eames, Nathanael Eames, John Bruce, Ebenezer Boutwell, Benjamin Haven, John Nurse, Jonathan Hemingway, John Haven, Benjamin Nurse, Joseph Hemingway, Jeremiah Belknap, Aaron Pike, Josiah Stone, Ebenezer Singletary, John Johnson, Martha Goddard, George Carnel, William Pike, William Pike, *Junr.* Elkanah Haven, *Persons who claim or have claimed Property and Interest in the common Lands on a Neck of Land in* Framingham, *have represented to this Court, That in Consequence of a Division made of said Commons in Pursuance of a Vote of the Proprietors, many Disputes, and two Law-Suits have arisen between divers of them; that for an amicable Termination of all Suits and Disputes touching the Premisses, they have entred into an Agreement dated* Framingham, September *the eighth, One Thousand seven Hundred and fifty-eight, an attested Copy whereof has been laid before this Court, which Agreement hath been also ratified by Vote of the Proprietors in a legal Proprietors Meeting: But inasmuch as some of the Claims and Disputes intended to be settled by said Agreement, are of such Kind as that it is doubtful whether the same can be legally settled and made binding according to the true Intent of the Parties by all that hath been done or can be done by any Deeds of Agreement (especially as some of the Proprietors are Minors) and such Doubt and Danger must greatly interrupt the Quiet of the Concerned, and hinder the Improvement of the Lands aforesaid, to the great Damage of the said Town of* Framingham; *and have thereupon prayed, That by a private Act the Agreement aforesaid mutually entered into by the Persons aforesaid, might be ratified and established, so as to operate according to the true Intent thereof: And it being evident, that if said Agreement was rendered effectual and carried into Execution, it would prevent many Law-Suits and promote the general Good of the Interested in said Common Lands:*

Proprietors Agreement confirmed, &c.

Be it enacted by the Governour, Council, and House of Representatives, That said Agreement be, and hereby is, established and ratified; that an exact Survey be taken of all the Lands in the Neck aforesaid, held under *Joseph Buckminster*, Esq; deceased, at the Charge of those who hold the same by a Surveyor and Chainmen mutually chosen by the Possessor of those Lands, and the Proprietors of the common Lands on the Neck aforesaid; and in want thereof by a Committee of three Persons to be appointed by the Justices of the Inferiour Court of Common Pleas for the County of *Middlesex*: That all Persons holding Lands on the Neck aforesaid under any Grants made by the said *Buckminster*, be quieted in the Possession of so much thereof and no more than the Number of Acres expressly mentioned in their original Grants, save only that fifty Acres are allowed to the Owners of the six Hundred Acres first granted by the said *Buckminster*, on the Neck aforesaid, by equal Average. That if it shall appear that the said *Buckminster* was not entitled to those six Hundred Acres, and the same should hereafter in Consequence thereof be recovered and set out in any Part of the Neck aforesaid now lying in Common, the then Proprietors of the common Lands on the Neck aforesaid who shall be so evicted, may demand and recover six Hundred Acres of the Land aforesaid granted by the said *Buckminster*, or the Value of the Lands evicted, and the same Land shall be chargeable accordingly; any thing herein to the Contrary notwithstanding. That if upon the Survey aforesaid it appears that any Person holds more Lands on the Neck aforesaid under the said *Buckminster*, his Heirs or Assigns, than the Number of Acres expressly mentioned in the said *Buckminster*'s original Grant, such Person shall either set the same off in a regular Form in one entire Peice, and resign the same to the Proprietors aforesaid, or pay them the Value thereof, exclusive of the Improvements made thereon, upon an Appraisement made by three Persons mutually chosen and appointed by him, and the Proprietors aforesaid; and in want

thereof

thereof by a Committee of three Perſons to be appointed by the Juſtices of the Inferiour Court of Common Pleas for the County of *Middleſex*.

That *Joſeph Buckminſter*, of *Framingham*, Eſq; Releaſe to the Proprietors of the common Lands aforeſaid on the Neck, all the Right and Intereſt that he now hath in the Neck aforeſaid, and the ſame is Remitted to them accordingly. That the Diviſion of the Lands on the Neck aforeſaid into Lots, made by the Proprietors aforeſaid, be confirmed; and that the Reſidue of the Lands there belonging to the Proprietors, be laid out into ſuch Lots as may beſt accommodate the propoſed Diviſion. That the Grants heretofore made by the Proprietors aforeſaid, of Lots Number fifteen, and Number ſixteen, in the River Range, to *Joſeph Haven*, Eſq; and alſo the two fifteen Acre Lots ſold by ſaid Proprietors Committee to *Benjamin Burnap*, Junr. be and hereby are confirmed to them and their Heirs; and that all the other Draughts of Lots made by the aforeſaid Proprietors, be void and of no Effect; and that there be a new Draught of all the Lots, except the four Lots aforeſaid. That the Owners of all the Lands in *Framingham*, leaſed by *Thomas Danforth*, Eſq; deceaſed, be conſidered as Proprietors of the common Lands on the Neck aforeſaid; that each Proprietor ſubſcribing to ſaid Agreement, draw a Share thereof in Proportion to the Number of Acres mentioned in the original Title Deed or the Quantity found by a Survey made at his own Coſt, at his own Election; and the ſix Hundred Acres aforeſaid, and alſo the ſix Hundred Acres adjoining to *Sudbury* Line, containing *Nobſcot* and *Doeſtin Hill*, mentioned in ſaid *Danforth*'s Leaſe, to the aforeſaid *Joſeph Buckminſter*, Eſq; deceaſed, ſhall alſo draw an equal Share with the other Lands, and ſuch Draughts ſhall be and remain to and for the Uſe of the Perſon or Perſons to whom the ſame belongs; but the other Lands on the Neck aforeſaid, conveyed by the ſaid *Joſeph Buckminſter*, Eſq; deceaſed, ſhall not draw any Share in the Diviſion of the Commons aforeſaid.

Joſeph Buckminſter, Eſq; to releaſe his Right in ſaid Neck.

Diviſion into Lots confirmed.

Grants made by the Proprietors heretofore confirmed, &c.

Owners of Lands held under *Thomas Danforth*, Eſq; conſidered as Proprietors, &c.

That the Charges already incurred in bringing forward a Diviſion of the Commons aforeſaid, and the Grants heretofore made by the Proprietors to Reimburſe thoſe Charges, be allowed and paid by the whole Propriety. That nothing in the foregoing ſhall be conſtrued to affect the Diſpute that is or may be between *Joſeph Buckminſter*, Eſq; and *Francis Brindley*, Eſq; who ſhall be entitled to the Share or Proportion of the Commons that the Lands ſold by the ſame *Buckminſter* and others, to the ſaid *Brindley*, ſhall draw; and if that Diſpute ſhall be finally ſettled in Favour of the ſaid *Buckminſter*, ſo that he ſhould hold ſuch Draughts, then the ſaid *Buckminſter* ſhall allow for the twenty Acres ſold to *James Newton*, otherwiſe that the ſaid *Newton* ſhall hold his Meaſure, any Thing herein to the Contrary notwithſtanding. That the ſeveral Clauſes of this Act ſhall operate according to the true Intent of ſaid Agreement: And that all Proprietors in Common in ſaid Lands, and Perſons claiming Right with them, or to any Share of Commonage therein; their Heirs and Aſſigns ſhall and hereby are bound by the Settlement aforeſaid, as eſtabliſhed by this Act, and according to the true Intent and Meaning thereof, any legal Incapacity of any ſuch Proprietor or Claimant, and any Defect in the executing ſaid Agreement or Proceedings in ſuch Proprietary Meetings notwithſtanding.

Charge already ariſen how to be paid.

Diſpute between *Joſeph Buckminſter*, & *Francis Brindley*. Eſqrs; not to be affected.

Allowance to be made by *Joſeph Buckminſter*, Eſq; in Caſe.

Operation of this Act.

CHAP. IV.

An Act for erecting the second Precinct in the Town of *Hadley*, in the County of *Hampshire*, into a District by the Name of *Amherst*.

Preamble. WHEREAS *the Inhabitants of the second Precinct in the Town of* Hadley, *in the County of* Hampshire, *have Petitioned this Court, setting forth sundry Difficulties they labour under by Means of their not being a District, and praying they may be so erected:*

Second Precinct in *Hadley* erected into a seperate District. Be it therefore enacted by the Governour, Council, and House of Representatives, That the said second Precinct in *Hadley*, according to it's present known Bounds, be and hereby is erected into a seperate and distinct District by the Name of *Amherst*; and that the Inhabitants thereof do the Duties that are required, and enjoy all Privileges that Towns do or by Law ought to enjoy in this Province, that of sending a Representative to the General Assembly only excepted: And that the Inhabitants of said District shall have full Right to join with the Inhabitants of the said Town of *Hadley*, in electing a Representative annually, and shall be notified of the Time and Place of Election with the Inhabitants of the said Town of *Hadley*, by a Warrant from the Select-Men of *Hadley*, directed to the Constable of said District, requiring him to warn the Inhabitants of said District to attend the Meeting for that Purpose at the Time and Place by them assigned, which Warrant shall be seasonably returned by said Constable; and the Representative may be chosen indifferently out of said Town or either of the Districts, his Pay and Allowance to be born by the Town of *Hadley* and the said Districts, in the Proportion that they respectively pay to the Province Tax.

Powers thereof.

Persons and Estates annexed to said District. And be it further enacted, That *Isaac Ward*, *Reuben Ingraham*, *Phillip Ingraham*, *Isaac Hubbard*, and *Edward Elmor*, and their respective Estates lying within the Bounds of the Tract of Seventeen Hundred and seventy seven Acres Petitioned for, and adjoining to the said second Precinct Line, be and hereby are annexed to the said District, there to enjoy Privilege and do Duty.

Power for calling a Meeting. And be it further enacted, That *Timothy Dwight*, Esq; be and hereby is directed and impowered to issue his Warrant directed to some principal Inhabitant within said District, requiring him to warn the Inhabitants of said District qualified to vote in Town Affairs, to assemble at some suitable Time and Place to choose such Officers as are necessary to manage the Affairs of said District.

Proviso. *Provided nevertheless*, The Inhabitants of said District shall pay their proportionable Part of all such Town, County and Province Charges as are already assessed in like Manner as tho' this Act had not been made.

CHAP. V.

An Act for Incorporating the Inhabitants of the West Wing of *Rutland*, in the County of *Worcester*, into a Precinct.

Preamble. WHEREAS *the Inhabitants of the West Wing of* Rutland, *in the County of* Worcester, *have represented to this Court the great Difficulties and Inconveniencies they labour under in their present Situation, and have earnestly requested that they may be Incorporated into a Precinct:* Therefore,

Be

Be it enacted by the Go... ...House of Representatives, That the Inhabitants of that Tract of Land in the Town of *Rutland*, in the County of *Worcester*, called the West Wing, be, and they hereby are, Incorporated as a Precinct, and shall have and enjoy all the Rights, Priviledges and Immunities, which by Law Precincts have heretofore been vested with: And that the said Inhabitants, or the major Part, be, and they hereby are, authorized and enabled to elect, appoint and pay a School-Master for the Instruction and Education of the Children of the said Inhabitants, as also to elect, appoint and pay a Surveyor or Surveyors of the High-Ways within said Precinct. West Wing of *Rutland* Incorporated as a Precinct.

And be it further enacted, That the said Inhabitants, or the major Part of them, be, and they hereby are, authorized and impowered to assess the Inhabitants of the said West Wing, in such Sum or Sums of Money as they or the major Part of them shall deem sufficient to defrey all the Charges and Expences of the said Precinct. Power to make Assessments.

And be it further enacted, That *John Murray*, Esq; be, and he hereby is, impowered to issue his Warrant to some principal Inhabitant of the said Precinct, requiring him in his Majesty's Name to warn and notify the said Inhabitants to meet together at such Time and Place in said Precinct as by said Warrant shall be appointed, to choose such Officers as may be necessary to manage the Affairs of said Precinct. And the Inhabitants being so met, shall be, and hereby are, impowered to choose Precinct Officers accordingly. Power for calling a Meeting.

CHAP. VI.

An Act to prevent a Multiplicity of Law-Suits.

Preamble.

WHEREAS of late it hath been the Practice of some of the Sheriffs, Under-Sheriffs, or their Deputies, within this Province, to receive from some of the Justices of the Peace, and the Clerks of the Courts within the respective Counties, blank Writs, and then fill them up and serve them, and sometimes appear by Virtue of a Power of Attorney to pursue the same; which Practice has a Tendency very much to increase the Number of Law-Suits, and to a partial Administration of Justice: For Remedy whereof,

Be it enacted by the Governour, Council, and House of Representatives, That no Sheriff, Under-Sheriff, or Deputy-Sheriff within this Province, from and after the tenth Day of *February* 1759, shall presume to draw or fill up any Writ for any Matter or Thing whatsoever, triable before any of his Majesty's Justices of the Peace or Courts of Record within this Province, or be any Ways of Advice or Assistance therein, unless in Cases where he or they are concerned as Plaintiff; and in Case it appears to the Justice or Court to whom such Writ is returned, that any Writ was so drawn or filled up as aforesaid, such Justice or Court shall dismiss the same, and allow Costs for the Defendant. No Sheriff &c. to presume to fill any Writ or give Advice and Assistance except in certain Cases.

And be it further enacted, That no Appearance of any Sheriff, his Under-Sheriff or Deputy, before any Justice of the Peace or Court of Record, by Virtue of a Power of Attorney, shall be allowed good to any Intent or Purpose whatsoever, in the County where he is an Officer, except where the Party giving the Power lives out of the Province, and in this Case his Appearance shall not be allowed if he filled the Writ. No Sheriff &c. to appear as an Attorney &c.

[*The five foregoing Acts were Published* February 14, 1759.]

BOSTON: N. E. Printed by S. KNEELAND, by Order of His Excellency the GOVERNOUR, Council and House of Representatives. 1759.

rict. West Wing of Rutland, &

CHAP. IV.

Second Precinct

SHELF No.

[Jan. 1881, 10,000]

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